

REVIEW OF NIGERIA AGRICULTURAL SEED ACT

Report of Seed Law Review Committee

VOLUME 2: APPENDICES

(with Executive Summary of the Main Report)



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July 2004

**NATIONAL SEED LAW REVIEW COMMITTEE
MEMBERSHIP**

MAIN COMMITTEE:

1. Mal. Baba Fada (Chairman)
2. Dr. Stephen M. Misari (Chairman Seed Law Sub-committee)
3. Dr. G.B. Ayoola (Chairman Seed Policy Sub-committee)
4. Mr. L.O. Fajana (Secretary)
5. Mrs. U.E. Iheme (Esq)
6. Alhaji Ashiru Ringim
7. Alhaji Yusuf Manga
8. Alhaji Abubakar Wodi
9. Mr. N.O. Utoh
10. Mr. K.A. Adelubga
11. Mr. O.J. Shobowale
12. Mr. Neville C. McAndrew (FAO International Consultant)

IMPLEMENTING TASK FORCE:

1. Dr. S.M. Misari (Chairman)
2. Dr. G.B. Ayoola
3. Mrs. U.E. Iheme (Esq)
4. Mr. L.O. Fajana (Secretary)
5. Alhaji A.R. Kwa
6. Mr. Neville C. McAndrew (FAO International Consultant)

NAMES AND AFFILIATION OF THE MEMBERS OF THE COMMITTEE

1. Mal. Baba Fada
Director, Federal Department of Agriculture
Federal Ministry of Agriculture & Rural Development, Abuja

2..Dr. S.M. Misari
Director, Intstitute for Agricultural Research,
Ahmadu Bello University, Zaria.

3.Dr. G.B. Ayoola
Project Coordinator, IFDC-MIR Project, Abuja.

4. Mr L.O. Fajana
Deputy Director National Seed Services
Gwagwalada-Sheda, Abuja

5.Mrs U.E. Itheme
Legal Adviser
Federal Ministry of Agriculture and Rural Development, Abuja.

6. Alhaji Ashiru Sabo Ringim
Managing Director, Nagoma Seeds, Kano Zonal Office,
Km 9, KNARDA Building ,Hadejia Road, Kano.

7. Mr. M.O. Utoh
Deputy Director, National Seed Service,
Sheda, Gwagwalada, Abuja.

8. Mr. K.A. Adelugba
National Seed Service,
Sheda, Gwagwalada, Abuja.

9. Hon. Yusuf Manga
Apex Farmers Association Of Nigeria (AFAN),
No. 871 Tafawa Balewa Way, Garki, Abuja.

10. Alhaji Abubakar Wodi
Rice Farmers Association of Nigeria,
Gwagwalada, Abuja.

11. Mr. O.J. Shobowale
National Seed Services
Sheda-Gwagwalada, Abuja.

12.Mr. Neville C. McAdrew
FAO International Consultant
CARDI, Belize Central America.

PAGE

Executive Summary

Seed Policy

Reviewed National Agricultural Seed Act 1992

Private Sector Participation

Conclusion and Recommendation

Record of Meetings

Minutes of Mini-Stakeholders Workshop on Seed Law

Minutes of Post –Mini –Workshop Seed Law Review

Subsisting National Agricultural Seed Policy

Strategies for National Seed Development Plan

Report of Seed Policy Sub – Committee

National Agric. Seed Policy incorporating proposed amendments

National Agricultural Seed Decree 72 of 1992

Crop Varieties and Livestock Breed Release and Registration Decree 33

Report of Seed Law Sub – Committee

LIST OF ACRONYMS

ABU	Ahmadu Bello University
ADP	Agricultural Development Project
AFAN	Apex Farmers Association of Nigeria
BS	Breeder Seed
DAIMINA	Developing Agricultural Input Market in Nigeria
FAO	Food and Agricultural Organisation of the United Nations
FASCOM	Farmers Supply Company
FCT	Federal Capital Territory
FDA	Federal Department of Agriculture
FGN	Federal Government of Nigeria
FMARD	Federal Ministry of Agriculture and Rural Development
FMST	Federal Ministry of Science and Technology
FS	Foundation Seed
GMO	Genetically Modified Organisms
GMS	Genetically Modified Seeds
IARC	International Agricultural Research Centre
IAR	Institute for Agricultural Research
IFDC	International Fertilizer Development Centre
IITA	International Institute of Tropical Agriculture
IPR	Intellectual Property Rights
MIR	Marketing Inputs Regionally
MIS	Management Information Systems
NABDA	National Biotechnology Development Agency
NACGRAB	National Centre for Genetic Resources and Biotechnology
NAFDAC	National Food and Drug Administration and Control
NARI	National Agricultural Research Institutes
NASC	National Agricultural Seed Council
NCA	National Council on Agriculture
NCRP	Nationally Coordinated Research Project
NGO	Non-Governmental Organisation
NSCA	National Seed Certification Agency
NSS	National Seed Service
OON	Order Of The Niger
PCU	Projects Coordinating Unit
PQS	Plant Quarantine Service
PVS	Participatory Variety Selection
R&D	Research and Development
RMRDC	Raw Materials Research and Development Council
SPFS	Special Programme on Food Security
USAID	United States Agency for International Development
VAT	Value-Added Tax
VRC	Variety Release Committee

ACKNOWLEDGEMENTS

The Seed Law Review Committee would like to place on record its gratitude to the Honourable Minister of Agriculture and Rural Development; Mal. Adamu Bello and his able Honourable Minister of State and the Permanent Secretary to consider as worthy professionals to review the seed law of the country. We equally acknowledge their laudable initiative to have the seed law reviewed in order not only to make it private sector sensitive but also to propel agricultural productivity, enhancement of rural livelihood as well as ensure poverty alleviation and food security.

The role of the IFDC-DAIMINA Project under the able leadership of its Chief of Party, Dr. H.B. Singh and his Project Manager, Dr. Umaru Alkaleri, CON in obtaining government approval for the review as well as their enthusiasm in coordinating and facilitating the work of the Committee is highly commendable and appreciated.

Our gratitude also goes to Mal. Baba Fada, Director of FDA for his unflinching support and encouragement throughout the duration of the review exercise. This made our work easier.

We equally thank the Director of Projects Coordinating Unit/National Coordinator of SPFS Dr. Salisu Ingawa for his invaluable contributions and support of the contribution of the FAO International Consultant on seed, Mr. Neville C. McAndrew, as well as his wealth of experience and professionalism put at our disposal went a long way in shaping our report.

Finally we would like to commend Miss Olubunmi Kolawole in particular for computer processing and the entire IFDC-DAIMINA staff in general for their assistance in facilitating our work.

EXECUTIVE SUMMARY

1.0 BACKGROUND:

The existing seed law: “National Agricultural Seed Decree, No. 72 of 1992”, was promulgated in 1992 by the then military government to support seed industry development in Nigeria. Due to a number of changes arising from the global dynamics of our agricultural development since enactment, supported by the findings of a “Seed Market Assessment Study” undertaken by IITA in 2002 and commissioned by IFDC-USAID Developing Agric Inputs Market in Nigeria (DAIMINA), the need for an urgent review of the existing seed act and policy changes was identified. Consequently, the IFDC-DAIMINA Project proposed and obtained the Honourable Minister’s approval for review of the existing seed act together with the policy changes by the National Seed Law Review Committee which was constituted by the latter.

2.0 JUSTIFICATION:

Since enactment in 1992, the desired results in the seed industry failed to be realised partly due to structural and functional defects of the law, as well as non-harmonization implementation roles and modalities for other similar acts, notably the Crop Varieties and Livestock Breeds Decree 33 of 1987. Furthermore, the recent government policy thrust is in tune with global economic climate of deregulations and liberalization of markets in favour of greater private sector participation. There was therefore the need to incorporate necessary components in the Seed Law for minimizing the role of public sector and for promoting private sector participation as a matter of public policy.

3.0 TERMS OF REFERENCE:

The terms of reference of the National Seed Law Review Committee are as follows:

- To examine the current seed policy guidelines with a view to identifying the areas of weakness that need reforms
- To study the provisions of the National Agricultural Seed Decree No 72 of 1992 and recommend necessary amendments where felt necessary
- Identify the strengths and weaknesses of the Seed Decree in addressing:
 - a. Seed multiplication and distribution (Breeder, Foundation & Certified) Seed
 - b. Certification and Quality Control (Field Inspection, Seed Quality Control, Law Enforcement, etc.)
 - c. Seed Industry Development (Development of private sector, variety release, registration of new seed enterprises, capacity building, etc.)
 - d. Adequacies or otherwise of provisions of incentives for the overall benefit of the seed industry.

- Propose appropriate strategies and incentives that will promote private sector participation in production and marketing of improved seed in Nigeria.
- Recommend ways of harmonizing the relevant provisions of Decree 33 of 1987 with those of Decree 72 of 1992.

4.0 OPERATIONAL MODALITIES OF THE COMMITTEE:

- i. Chief O.O.O. Ogunkua, Permanent Secretary, Federal Ministry of Agriculture and Rural Development (FMARD) did inauguration of the National Seed Law Review Committee on April 26, 2004 at Command Guest House, Asokoro, Abuja.
- ii. The main committee was split into two sub-committee after inauguration with each sub-committee to address one of the two areas of
 - a) Seed Policy changes
 - b) Review of the National Agricultural Seed Act No. 72 of 1992.
- iii. Reports of the two sub-committees were pooled, discussed and presented as one national report of the Seed Law Review Committee.
- iv. The national report was given to an international seed Consultant, Mr. Neville McAndrew hired by Food and Agricultural organization (FAO)/Special Programme for Food Security (SPFS) for review and advice.
- v. Both the national report of the Seed Law Review Committee and that of the International Seed Consultant were presented to a Mini-Stakeholders' Workshop at Rock-view Hotel on June 15, 2004.
- vi. The views expressed and decisions arrived at after the mini-stakeholders' workshop was incorporated into a draft final report by a sub-committee.
- vii. The sub-committee draft final report was then presented to the full "Seed Law Review Committee" on July 21, 2004 for final consideration and submission to the Honourable Minister for Agriculture and Rural Development.

5.0 STRUCTURE OF REPORT:

Report is presented in two volumes, viz:

- i) Vol. 1: Main Report comprising Executive Summary, Introduction, Revised Seed Policy, Revised Principal Seed Act, Private Sector participation and conclusions/ Recommendation.
- ii) Vol. 2: Appendices made up of Records of Meetings, subsisting Seed Policy document, highlights on strategies for seed sub-sector development plan, Report of Seed Policy sub-committee, National Agricultural Seed decree No. 72 of 1992 and report of Seed Law Review sub-committee.

6.0 REPORT HIGHLIGHTS AND RECOMMENDATION:

6.1 *Seed Policy:*

Derived from the current National Agricultural Policy of 2002, which emphasized greater private sector participation in the industry, other areas in the revised policy statements include:

- Need for improvement in the funding of National Agricultural Research Institutes (NARIs).
- The need for Intellectual Property Right (IPR) in the Seed Industry to be integrated into the IPR law currently in the Federal Ministry of Commerce.

- Provision of adequate manpower training and facilities for seed industry development.
- Adopting of appropriate pricing policy for all seed that will not thwart those of private sector.
- Genetically Modified Organism (GMO) technology to be provided for in the revised seed policy statement so as to accommodate provisions for genetically modified seed.
- Support for seed quality control, certification, seed extension and promotions.

6.2 Review of 1992 Seed Act:

In order to provide the necessary legal support for the revised Seed Act policy statements, the existing seed law needed to be amended. Committee felt strongly that the existing seed law would not need to be repealed; rather it should be amended since only minor modifications may be required to accommodate the major areas of policy changes. The suggested amendments in the seed law are:

- i) Establishment of a “National Agricultural Seed Council (NASC) as an institutional body corporate headed by a Director General who is charged with the responsibility of implementing policy decisions of a private-sector led Governing Board that is directly responsible to the Honourable Minister of Agriculture.
- ii) Composition of the Governing Board was amended with a tilt in favour of the private sector and other relevant operators in the seed industry. Number of “Board Members” was reduced from the original nineteen (19) to nine (9) with the proportion of 60%- 40% between private and public sector.

- iii) Functions of the Council were also re-orientated to make it more regulatory and for coordination of activities while the private sector operators will largely implement all seed business activities.
- iv) The NASC re-structured to function through three (3) technical departments and one administrative department as against ill-defined committees and Units in the Principal Act. Each department has been assigned definite responsibilities to avoid duplication or overlapping roles.

The departments are:

- a) Seed Industry Planning and Development Department
- b) Crop Varieties Registration and Release Department
- c) Seeds Standards Department
- d) Administration and Finance Department
- v) The operating zones in the Principal Act were expanded from five (5) to six (6) to reflect the existing geopolitical zones in the country with definite operation headquarters.
- vi) The committee recommended the removal of Breeder Seed (BS) class from among the classes of seed (Breeder, Foundation and Certified Seed) to be subjected to certification by the Council or its designated agency. This practice is in conformity with international norms in seed certification.
- vii) Penalties for offences in the Principal Seed Act were revised upwards from ₦500.00 to ₦5,000.00 in the case of first offenders. Provisions for higher penalties were included in the Principal Act for subsequent violations of the provisions in the Principal Act by the same offender.

- viii) Government will initially provide financial provisions to the Council. After a few years of government subvention to kick-start the Council, its funds will be sourced locally and internationally from private sector contributions.
- ix) The council shall report not later than six months after the end of each year through the Honourable Minister of Agriculture and Rural Development to the Federal Executive Council.
- x) By definition, “Agricultural Seeds” shall include Genetically Modified Seed (GMS) in the amended Principal Act..

6.3 *Private Sector Participation:*

The Committee noted that with the long gestation periods for investments in seed enterprises coupled with low returns, the private sector may not be encouraged to participate in the seed industry unless government deliberately provides adequate incentives and conducive environment that will attract private investments.

The incentives required amongst others are:

- a) Tax relief’s sales on buildings and equipment for seed enterprises.
- b) Low interest rates, not more than single digit (i.e. less than 10%) on loans for seed enterprises.
- c) Aggressive seed promotion programmes.
- d) Improved funding of Research and Development systems, etc.

6.4 *Harmonization of Decree 33 of 1987 with Decree 72 of 1992.*

The Committee observed that in order to harmonize these two decrees, a minor amendment on Decree 33 as against repeal will be *more* desirable. Among the three options suggested, the Committee recommends that the functions of the

“Technical Sub-committees” in Decree 33 be excised and placed under Decree 72 of 1992, such that the National Seed Council (NASC) will take over see this function. The NASC will however be required to submit the outcome of the release to NACGRAB Registrar for registration purposes. In order to actualize this minor amendment, and to ensure smooth transition and harmonization of the two decrees, the Federal Ministry of Agriculture and Rural Development should initiate necessary dialogue with the Federal Ministry of Science and Technology.

7.0 CONCLUSION AND RECOMMENDATIONS

Upon critical examination of the seed policy statements and the national Agricultural Seeds Decree No. 72 of 1992, the Committee concluded that: (a) these documents are indeed overdue for review and have been so reviewed herein; (b) the bits and pieces of policy statements about seed industry available at present do not constitute a consolidated national seed policy; and (c) only minor amendments of the seed Act were necessary rather than repealing the entire law. Consequently, the Committee came up with the following recommendations:

1. The National Agricultural Seed Council as a body corporate should be urgently established so as to enable it perform its functions based on the new Act.
2. The seed industry should be private sector driven, but government should ensure adequate incentives to attract and sustain their interest.
3. Aggressive publicity campaign should be urgently mounted to sensitize farmers and the general public to the importance of improved seed in farming enterprise.
4. The National Agricultural Research Institutes (NARIs) should be properly funded on a sustained level for continued injection of improved seed into the system.
5. The Minister should take the urgent initiative to ensure that the amended seed Act as propose herein is quickly passed into law.

APPENDICES

I. RECORD OF MEETINGS

1.10 INAUGURAL MEETING OF SEED LAW REVIEW COMMITTEE, 2004

ATTENDANCE:

- | | | | |
|-----|-----------------------|---|-----------------------------------|
| 1. | Mr. O.O.O. Ogunkua | – | Perm. Sec. FMARD |
| 2. | Mal. Baba Fada | - | Director, FDA (Member) |
| 3. | Dr. H.B. Singh | - | Chief of Party, IFDC/DAIMINA |
| 4. | Dr. Umaru A. Alkaleri | - | Project Manager, IFDC/DAIMINA |
| 5. | Alh. Rabiul Kwa | - | Marketing Manager, IFDC |
| 6. | Dr. T.O. Okolo | - | Head of Unit, NSS |
| 7. | Mr. N.O. Utoh | - | Member, Seed Law Review committee |
| 8. | Mr. L.O. Fajana | - | Member, Seed Review Committee |
| 9. | Mrs. Iheme | - | „ „ „ |
| 10. | Alh. Ashiru Ringim | - | „ „ „ |
| 11. | K.A. Adelugba | - | „ „ „ |

1.11 INTRODUCTION

As one of the project activities of DAIMINA, a proposal for the review of existing “National Agricultural Seed Act No. 72 of 1992” was made to the Honourable Minister of Agriculture and Rural Development together with suggested list of members who were to serve on the “Seed Law Review Committee”. With the approval of the Honourable Minister, the committee embarked on the review process.

1.12 INAUGURATION

The committee was inaugurated on Monday, 26th April, 2004 at the Command Guest House, Asokoro, Abuja, by the Permanent Secretary, Ministry of Agriculture and Rural Development, Mr. O.O. O. Ogunkua, OON, Mni.

The Project Manager, DAIMINA Project expressed the condolence of DAIMINA Project to the Ministry of Agriculture and Rural Development over the death of Engr. Eneh’s driver who was returning from the recently concluded National Council on Agriculture (NCA) in Makurdi. He thereafter appreciated the honour done to

DAIMINA by the Permanent Secretary in sparing time to be present at the inauguration.

In his remarks, the Chief of Party informed the Permanent Secretary that DAIMINA Project had just concluded and submitted the review of the Fertilizer Law which has now received the approval of the National Council on Agriculture at Makurdi. The revised fertilizer law will now be forwarded to the National Assembly as an executive bill for subsequent approval. Following closely the fertilizer law is the Seed Act of 1992 which DAIMINA also has mandate to review. The justification for the seed law review was borne from the report of "Seed Market Study" which IITA was commissioned to conduct for DAIMINA.

11

He further informed the Permanent Secretary that DAIMINA Project objective in the seed law review was to ensure a level playing ground for all key stakeholders in the seed industry. The review committee is made up of representatives from government, private sector, seed companies, farmers, research institutes and MIR. An external consultant shall be hired to assist in bringing international experience into the review. On submission of the seed law review report, a stakeholder's workshop will be held to further consider the recommendations of the report before the submission by DAIMINA Project to the Honourable Minister of Agriculture and Rural Development for further actions. The Chief of Party added that DAIMINA Project will finance the entire review costs. Furthermore, he informed the Permanent Secretary that issues in the seed industry are complex, such as:

- Poor knowledge of farmers in appreciating the potential benefits in the use of improved seed.
- The possibility of the seed law not being sufficiently encouraging for most stakeholders.
- Complaints from some seed dealers over the too stringent or tight seed regulations.

Finally he suggested that a seed law must make all key stakeholders in the industry happy. He wondered why about 88% of farmers in a sister African country of Zimbabwe use improved seed whereas it is less than 5% in Nigeria; the reasons for this low level utilization of improved seed by farmers in Nigeria shall be fully addressed in the review.

In his inauguration address, the Permanent Secretary expressed appreciation to DAIMINA Project for supporting the Ministry of Agriculture and Rural Development as well as Nigeria as a whole. He thanked members of the seed law review committee for accepting to serve. He remarked that since 1992 when the existing Seed Act was passed, a lot of changes has taken place to warrant another look at the seed act. He mentioned that where a seed law is constraining, such laws have to be relaxed for active participation of stakeholders. He made quick reference to the carry over seed stocks at IAR&T, Ibadan where non-provision of funds to National Seed Service (NSS), had constrained the utilization by farmers of valuable seed left in the Institute seed stores. He stressed the need for seed law to be current such that it can address modern developments in the seed industry. He remarked that having set the various targets for the Presidential Initiatives, food security programmes etc, the basis for achieving these

targets (seed) must be readily available to farmers if we must actualize these targets. He finally enjoined the committee to ensure that the seed law review will:

- Encourage full participation of the private sector.
- Establish workable structures that will be supportive of a sustainable seed culture (i.e. Farmers must be made interested in using improved seed).
- Availability of seed to farmers at affordable prices.
- Address new technologies, particularly BT and intellectual property rights.

The Director of Agriculture in his remarks reiterated the complex nature of the seed industry and suggested a holistic view of the issues therein. The committee should be concerned with how to make Nigeria Seed Industry vibrant.

12

The Head of Unit, NSS remarked during his vote of thanks that similar attention¹² granted to fertilizer should be extended to seed before it can take its rightful position in agricultural development. He finally thanked DAIMINA and assured the Permanent Secretary that the staff of the Ministry serving on the committee will make positive contributions.

1.13 METHODOLOGY

1.131 REVIEW OF COMMITTEE MEMBERSHIP:

- a) In view of the inability of Dr. Shetima Mustafa to chair the committee, Mallam Baba Fada was unanimously adopted to replace him.
- b) The need for more representation of the private sector and farmers in the committee was stressed. Consequently the following additional members were to be invited:
 - i) Managing Director, Alheri Seeds Nig. Limited, Zaria.
 - ii) Managing Director, Premier Seeds Nig. Limited, Zaria.
 - iii) Two members from Apex Farmers Association of Nigeria (AFAN).
(Alhaji Wodi, A and Hon. Manga were eventually nominated to represent Farmers Apex Association).

1.132 REVIEW PROCEDURE:

- i. Two sub-committees were adopted, viz:
 - a) Sub-committee on Review of the National Seed Policy.
 - b) Sub-committee on Review of the National Seed Act No. 72 of 1992.Each sub-committee is to have representations from government, private seed companies and farmers.
- ii Sub-committees to conclude deliberations and submit reports not later than Saturday, May 1, 2004.
- iii. Reports of sub-committee to be circulated to members in the first week of May while the entire Review Committee will reconvene in the 2nd week of May to consider the sub-committee's reports and produce a draft report for the Review

Committee. A stakeholder's workshop was proposed to hold in August while the final report is to be presented to the Honourable Minister of Agriculture and Rural Development in September 2004.

1.14 COMMITTEE DELIBERATIONS:

In a brief opening remark, the Chairman, Mallam Baba Fada reminded the committee members that critical areas of focus in the review will be:

- i. Scientific aspects of the seed production and protection.
- ii Awareness creation among farmers and other stakeholders in the seed industry.
- iii. Massive seed production by private seed company for availability to farmers.
- iv. Quality assurance.

13

The legal adviser, Mrs. U.E. Iheme, in her contribution informed members that all 13 "Decrees" have now become "Acts" and that it will be necessary for the committee to give justifications which led to the review. She further informed the committee that her consultations with colleagues in the Ministry of Justice on the Review shows that government may not accept any new bills for amendment if such bills do not typify heavy domination by private sector. She advised that the proposed 'National Agricultural Seeds Council' should be largely dominated by the private sector.

1.2 JOINT MEETING OF SUB – COMMITTEES, 30TH APRIL 2004

ATTENDANCE

- | | | |
|-----|--------------------|-------------------------------------------------|
| 1. | Dr. S.M. Misari | Director, IAR, Zaria. |
| 2. | Dr. H.B. Singh | Chief of Party, IFDC-DAIMINA |
| 3. | Dr. U. Alkalari | Project Manager, IFDC-DAIMINA |
| 4. | Dr. G.B. Ayoola | IFDC/MIR Project |
| 5. | Dr. T.O. Okolo | HOU, National Seed Service (NSS) |
| 6. | Alh. R. Kwa | Manager, Marketing Service |
| 7. | Mr. N.O. Utoh | Deputy Director, National Seed Service |
| 8. | Alh. Ashiru Ringim | Managing Director, NAGOMA Seed |
| 9. | Hon. Yusuf Manga | Rep. Apex Farmers Association of Nigeria (AFAN) |
| 10. | Alh. Abubakar Wodi | President, Rice Farmers Association of Nigeria |

11. K.A. Adelubga National Seed Service
12. L.O. Fajana Deputy Director, National Seed Service
13. Mrs. U.E. Iheme Legal Adviser, FMARD

A. SUB – COMMITTEE REPORT ON SEED POLICY REEVIEW

The report was presented on Friday 30th April, 2004 by Dr. G.B. Ayoola who was chairman of the sub – committee. The session was chaired by Dr. S.M. Misari. After presentation, the following comments/ observations were made by members for incorporation into the final report of the sub – committee.

14

COMMENTS AND OBSERVATIONS

14

The following comments and observations were made in the report:

1. INTERLECTUAL PROPERTY RIGHTS:

The meeting was informed that the intellectual Property right is available and it is with the Federal Ministry of Commerce. The need to publicize it was made.

2. QUALITY CONTROL:

The regional seed testing laboratories are not fully equipped. The need for a study to assess the infrastructure at the regional seed testing laboratories was agreed upon.

3. PRICING:

The price disparity between the public and private sector prices may be due to subsidy of public sector prices. The need to analyze what makes the public sector seed cheaper than the private sector prices was suggested.

4. GMOs:

The impression that there is no policy on GMO was corrected as there is a subsisting policy for GMO in the National Policy on Biotechnology.

CONCLUSION:

The meeting noted that there is deficiency of information as it appears that people do not know that such information is available.

There is therefore the need for further studies about various policies, in depth analysis of the constraints, resources, etc in the laboratories and other key areas of the sub – sector.

B. SUB – COMMITTEE REPORT ON SEED ACT REVIEW

INTRODUCTION

Draft report of the Seed Act sub – committee was presented on 1st May, 2004 by the Chairman of the sub – committee, Dr. S.M. Misari. The presentation was chaired by Dr.

G.B. Ayoola. After presentation, members reacted to the various aspects and made observations as follows:

OBSERVATIONS/COMMENTS:

1. Members observed that the sub – committee presentation was not yet in form of a report and therefore demanded a full report of the presentation, which will reflect the changes made in the Seed Act as well as justifications for such changes.
2. In view of the relatively low volume of seed trade currently in Nigeria, the sub – committee was advised that government is not likely to be favourably disposed to setting up another big structure whose cost of running will be a lot more than the total cost of seed trade in the country. Therefore the proposed new structure should be as small as possible so as to minimize cost of administering it.
3. The 2002 new policy direction of government as it relates to agricultural inputs is in 15 favour of greater private sector participation. Therefore the seed sub – sector should take a cue from this direction. It was then suggested that the proportion of public sector in the new Council should be more than that of the public sector, possibly in the proportion of 60% to 40% public sector and private sector respectively.
4. Members were of the opinion that the original size of the Council as contained in the Principal Act was too large and therefore suggested a drastic reduction in membership. Consequently, the membership was reduced from 19 to 9 so as to ensure efficiency and reduce costs. The selection of members were structured as follows:

i. Private Sector Seed Industry	-3 members
ii. Public Sector Seed Industry	-2 members
iii National Agric Research Institutes (NARIS)/Universities	-2 members
iv. Farmers	- 2 members
	<hr/>
TOTAL	9 members

15

In order to ensure top level professionalism in membership of the Council, the committee further elaborated on membership selection procedure as follows:

i. Private Sector Seed Industry:

The three members from this sector shall be recommended by the Seed Association of Nigeria to the Honourable Minister of Agriculture and Rural Development.

ii. Public Sector Seed Industry:

The two members from this sector shall be:

- a) Director General of the Seed Council.

- b) Director of Agriculture, FMARD.

iii. National Research System/Universities:

Committee suggested that one member should be appointed from the National University's system and the second member appointed from the National Agricultural Research System (NARS). The nominee in both cases should preferably be plant breeders.

iv. Farmers Representatives:

16

The two members from this group are to be recommended by the Apex Farmers Association of Nigeria to the Honourable Minister of Agriculture and Rural Development. The selection criteria should be such that one member should represent the "Small/medium Scale Farmers" while the other represent the "Large Scale Farmers".

It was further suggested by the Committee that all members of the Council shall be nominated by the Honourable Minister of Agriculture and Rural Development and approved by the President.

5. Appointment of the Director General for the Council should be based on cognate experience in seed science and technology as well as other seed related business. In other words, the Director General of the Council should be a very sound professional in seed and seed related business.
7. In view of the largely private sector domination, the new Council should be able to source its funds outside government subvention. Consequently, the committee suggested the following strategies for council financing:
 - i. Government to provide the take-off fund in form of a grant.
 - ii. Government to provide annual subvention for a limited number of years to the Council during the early stages of Council establishment.
 - iii. All revenue generated from Council activities.
 - iv. Fees, levies and charges for services.
 - v. Grants, gifts, loans, etc from both national and international sources.
 - vi. Earnings from research which is sponsored/ co-sponsored by the Council.

**II. MINUTES OF THE MINI-STAKEHOLDERS WORKSHOP ON THE SEED LAW
REVIEW HELD AT ROCKVIEW HOTEL ON 15TH JUNE 2004.**

1. PRESENT:

1.	O.O.O. Ogunkua	FMARD-Abuja	Permanent Secretary
2.	Mallam Baba Fada	FMARD- Abuja	Chairman
3.	Dr. S.M. Misari	IAR/ABU –Zaria	Committee member/ Chairman Seed Law Review Sub-Committee
4.	Mr. Neville McAndrew	FAO-International Consultant	Committee member
5.	Dr. T.O. Okolo	National Seed Services, Sheda-Abuja	„
6.	Dr. G.B. Ayoola	IFDC/MIR-Nigeria	„
7.	U.E. Iheme (Mrs.)	FMARD,s Legal Adviser	„
8.	N.O. Utoh	National Seed Services, Sheda-Abuja	„
9.	Alj. Wodi	Rice Farmers Association of Nigeria-Abuja	„
10.	Alh. A.S. Ringim	NAGOMA Seeds, Kano	„
11.	K.A. Adelugba	National Seed Services, Sheda, Abuja	„
12.	Hon. Y. Manga	Apex Farmers Association of Nigeria, Abuja	„
13.	Mr. L.O. Fajana	National Seed Services, Sheda, Abuja	Secretary/Seed Law Review Sub- Committee
14.	Dr. Omidiji	Premier Seeds Nig. Ltd., Zaria (SEEDAN)	In attendance
15.	Dr. M.B. Sarumi	NACRAB, Ibadan-Oyo	„
16.	Alh. Bello Sule	Federal Fertilizer Department	„
17.	Alh. A.I. Gudugi	USAID-Nigeria	„
18.	Alh. Aliyu Mohammed	Planning, Research & Statistics, Abuja	„
19.	F.O. Alaiygbami	FMARD-Abuja	„
20.	Mr. Shobowale	National Seed Services, Gwagwalada, Abuja	„
21.	Dr. S.G. Ado	Institute for Agricultural Research, IAR, Zaria	„
22.	Dr. C.A. Echekwu	IAR/ABU, Zaria	„
23.	F.J. Olonilua	National Seeds Services, Gwagwalada, Abuja	„
24.	B.I. Makan	FMARD, Abuja	„
25.	A. Babalola	FMARD, Abuja	„
26.	Dr. P.M. Kyesmu	NABDA, Trust Abuja	„

27.	S.D. Yakubu Atar	Alheri Seeds ltd., Zaria	„
28.	A. Boman	Nagari SeedsLtd., Zaria	„
29.	J.N. Aham	PCU/FAO, FMARD-Abuja	„
30.	Daniel Agudu	Rice Farmers Association of Nigeria, Abuja	„
31.	J. Muh. Kuti	N.C.N.F. – Abuja	„
32.	Daniel Jacob	Agricultural Development Project, Abuja (ADP)	„
33.	Maxwell Ikpor	ADP, Abuja	„
34.	Mr. Y.D. Ndiraya	FMARD, Abuja	„
35.	Mohammed Yewa	ADO, Abuja	„
36.	Mr. P.O. Ojo	National Seed Services, Gwagwalada, Abuja	„
37.	Mrs. Atolagbe	National Seed Services, Gwagwalada, Abuja	„
38.	Dr. H.B. Singh	IFDC-DAIMINA	Invitees
39.	Alh. A.R. Kwa	IFDC-DAIMINA	„
40.	Mrs. G. Nwokedi	„	Staff/Officials
41.	Mr. E.H. Ekpiken	„	„
42.	Blessing Ihediwa	„	„
43.	Mr. Tunde	„	„
44.	Miss. Bunmi Kolawole	„	„

2. OPENING PRAYER:

The workshop started with an opening prayer by Mallam Bello Sule, Director, Federal Fertilizer Department.

3. WELCOME ADDRESS:

Alhaji R. Kwa welcomed all the participants comprising the members of the Seed Law Review Committee and other invited guests. He expressed the appreciation of IFDC- DAIMINA to the Permanent Secretary, FMARD, Chief O.O.O. Ogunkua for his continued support to the project and especially to the Hon. Minister of Agriculture and Rural Development, Mal Adamu Bello for the approval to conduct the Seed Law Review.

Alhaji Kwa reminded the Permanent Secretary of the inauguration of the Seed Law Review Committee by him on the 26th April 2004 following which the committee met and came out with a draft report. Subsequently, the International Consultant, Mr. Neville McAndrew hired by SPFS/FAO came in to review the draft report and had undertaken field trips to consult with some of the stakeholders in Kano and Zaria. Plans made by the Consultant to visit other places could not be actualized due to the strike. However the Consultant, he said was able to collect

enough information from the places he visited. The Consultant was also able to visit the Permanent Secretary.

The review of the Seed Law, Alhaji Kwa said was very crucial in view of the importance of seed as a critical agricultural input. In order to ensure the effective and successful marketing of the commodity both the policy and Seed Law that will give direction to the national seed industry have to be properly articulated and implemented, he concluded.

4. OPENING REMARKS BY THE PERMANENT SECRETARY:

The Permanent Secretary, Chief O.O.O. Ogunkwa in his opening remarks welcomed everybody to the workshop. He commended the IFDC for its continued support to the Government.

While drawing an analogy between the parable of the sower in the Bible and that was the theme of the workshop, Chief Ogunkwa said that the lesson of the parable is that if there was no seed, nothing would have been sown in the first instance. He therefore called for establishment of a structure that would provide an environment for making improved seed available to farmers to sow.

Having interacted with various stakeholders as well as the Consultant, the Permanent Secretary observed that the prevailing situation on the ground is a challenge that will call for putting in place an enduring seed industry. Some of the challenges he observed include the continued placement of the monitoring of the law in another organ i.e. Federal Ministry of Science and Technology, the problem of putting a line of demarcation between germplasm, genetically modified seed and regular seed in terms of who monitors what, and what should be the lasting solutions to some of the problems identified. He advised that the Seed Law should be made flexible in terms of the sanctions being proposed such that provisions should be made that would enable the Hon. Minister of Agric. to review the fines and other sanctions without necessarily going back to review the law.

5. REMARKS BY THE CHIEF OF PARTY:

The Chief of Party (COP) of IFDC, Dr. H.B. Singh expressed his appreciation to all the guests for finding time to attend the workshop of the Seed Law. To the discovery by IFDC, it was observed that less than 4% of farmers were using improved seed, a situation which made IFDC to think that probably the existing laws on fertilizers and seed were not promoting the efficient use of these inputs.

Moreover, the new agric policy thrust, places focus on the private sectors as the major player that need to be involved in input distribution. He observed that some seed companies have closed down and surviving ones are not happy due to problems of lack of sales. The need therefore to improve seed availability to farmers necessitated IFDC in engaging IITA to carry out a Seed Market Assessment study in 2002. One of the outcomes of the report of the study was the need to review the seed law in order to remove aspects that were not promoting the availability of seed. Subsequently, FMARDA gave approval for the IFDC-DAIMINA Project to organize the review of the Seed Law so as to create a conducive environment for private sector participation. This he said formed the basis of Honourable Minister's inauguration of the said Law Review Committee on 26 April, 2004.

The Chief of Party noted that within the last three years of the project, sale of agricultural inputs has increased by 75% in three states as the demand has been created for the inputs. He therefore requested the stakeholders to keep in mind the long term vision that will enable the country to produce seed not only for her farmers but also for other countries in the sub –region. He agreed with the Perm. Sec. that there should be regular sanctions for those who cheat farmers.

6. PRESENTATION OF REPORTS:

The report of the Seed Law Review Committee was presented by Dr. S.M. Misari, Director IAR/ABU, Zaria, Chairman of Seed Law Sub-committee. Highlights of his presentation included:

- ▶ Re-statement of the Terms of Reference (TOR) for the Committee.
- ▶ Background and introduction.
- ▶ Review of the existing seed policy in line with the new Agricultural Policy of 2002 (strengths and weaknesses).
- ▶ Review of the National Agricultural Seed Act No. 72 of 1992.
- ▶ Justification for the Seed Law Review exercise.
- ▶ Proposed changes in the Seed Act.
- ▶ Establishment of a National Agricultural Seed Council (NASC) together with its composition and functions.
- ▶ Financial provisions for the council and conclusions.

The FAO International Consultant presented the second report which was largely his findings and recommendations after reviewing the available documents to him. Highlights of his presentation can be summarized under the following categories:

- ✿ Field visits and discussions with stakeholders.
- ✿ Main problem/ constraints in the seed sub – sector.
- ✿ Expectations/specific objectives of the seed sector.
- ✿ Components of a comprehensive seed programme or industry:
 - a. Variety development.
 - b. Variety evaluation.
 - c. Variety Release and Registration.
 - d. Seed Production and harvesting.
 - e. Seed drying, processing, storage, treatment and packaging.
 - f. Seed Marketing/ Farmers Utilization.
 - i. Seed Quality Control
 - ii. Regulatory Control (Seed Law)
 - iii. Roles, functions and responsibilities of:
 - i. Government.
 - ii. NARIs & IARCs.
 - iii. National Agricultural Seed Council (NASC).
 - iv. Private Sector.
 - v. Seed Inspectorate.
 - vi. Seed Standards Department.
 - vii. Farmers Associations and NGOs.

7. DISCUSSION OF REPORTS

This session was chaired by Mallam Baba Fada, Director of Agric in FMARD., following the exit of Perm. Sec. for another assignment.

After various discussions on the two reports, the following are the major highlights and proposals:

a) *Foundation Seed (FS):*

The workshop noted that the foundation seed is a critical class of seed as it is a bridge between the breeder and certified seed. In view of the fact that the self pollinated crops are not all that attractive to the private sector, presently, the private seed companies are not yet developed to take up FS.

As for the recommendation of the external Consultant that the National Agricultural Research Institute (NARIs) be allowed to undertake FS production besides their regular functions, of variety development and breeder seed production, some participants felt that this may overload the NARIs and jeopardize their primary responsibility. It was however argued that the NARIs besides being still the most credible source of improved seeds, have the capacity and dedicated Seed Production Units to produce foundation seeds and will be treated and subjected to NASC quality control and certification as the private sector seed producers. The AFAN expressed their concern that given the inability of the present arrangement to make adequate amount of seeds available to the private sector. Besides, it was felt that NARIs could use that as a credible source of revenue, especially in the face of their poor funding situation. It was also observed that a major problem is that of inadequate certified seed from credible sources. The committee was asked to deliberate further on this with a view to proffer solution to the dearth of improved seeds.

b) *Placement of NACGRAB:*

On the issue of discrepancies and conflicting provisions in National Agricultural Seed Council Decree 72 of 1992 and Crop Variety and Live stock Breed Registration and Release Decree 33 of 1997, it was agreed that there was the need to harmonize that in a faster and smoother release of varieties into a dynamic seed system. It was also observed that there was the need to separate the Crops Variety from the Livestock Breeders as provided for in Decree 33.

While the participants' major concern was that NACGRAB should be brought into the Ministry of Agriculture and Rural Development, the Registrar was of the view that the problem is not where the agency is placed, but that facilities. He believed that with an active Agricultural Seed Council, most of the problems facing variety release will be adequately addressed.

In view of the express need to harmonize the two decrees, it was suggested that the Honorable Minister of Agriculture should initiate solutions by having dialogue with their FMST counterparts.

c) *Patent Rights:*

The need to give recognition to seed companies that have developed their own varieties and give them exclusive rights for commercialization of such variety was raised by the Seed Company. Moreover, a system should be put in place where the seed companies can compensate or plough back some money to support NARIs who develop crop varieties. In view of the fact that there is already in existence a patent right law which is being handled by and domiciled in Federal Ministry of Commerce, there may not be

any need to put it in the Seed Law. The Seed companies concerned should explore this provision in the relevant law.

d) *Seed Campaign:*

The urgent need for a National Seed Campaign was generally accepted as the way forward to promote the use of improved seeds among farmers. It was suggested that the possibility of utilizing the FAO Farmers Radio Link project of the Federal Ministry of Agriculture should be explored.

e) *Chairmanship of the Council:*

The need to have a Board Chairman of the National Agricultural Seed Council should be from the private sector who may not necessarily be nominated by Seed Association. The stakeholders stressed that such a Chairman should be who is influential enough and able to get the government attention to support the Council.

f) *Organizational Structure of the Council:*

The workshop participants deliberated on the proposed structure of the NASC. The committee was advised to critically look at the organizational structure of the Council so as not to create another bureaucracy that may not be sustainable. It was stressed that NASC should be mainly a regulatory body with quality control, certification and enforcement functions. The committee was reminded of the need to have a private sector led NASC.

It was agreed that all foundation seeds from both public and private sector institutions should be put under certification scheme, especially with the decision to allow NARIs to engage in founding seed protection

g) *Certification of Foundation Seed:*

It was agreed that all foundation seeds should be put under certification scheme.

The Legal Adviser reminded the forum that all the activities in the existing law are still subsisting until it is repealed.

8. CLOSING

The workshop ended with a vote of thanks by T.O.Okolo of National Seed Services and closing prayer by Mr. O.J.Shobowale.

III. WRAP-UP MEETING OF IMPLEMENTATION TASK FORCE WITH FAO SEED CONSULTANT HELD AT IFDC-DAIMINA OFFICE ON 16TH JUNE, 2004

1.0 ATTENDANCE:

- | | | | |
|----|-------------------------|---|-----------------------------------------------------------|
| 1. | Dr. S.M. Misari | - | Director, IAR/ABU, Zaria (Chairman) |
| 2. | Mr. Neville C. McAndrew | - | FAO Seed consultant |
| 3. | Alh. Ahmed R. Kwa | - | IFDC-DIAMINA Project |
| 4. | Dr. G.B. Ayoola | - | IFDC-MIR Project |
| 5. | Mr. L.O. Fajana | - | NSS/IFDC-DAIMINA Project (Secretary) |
| 6. | Dr. H.B. Singh | - | Chief of Party/IFDC-DAIMINA (in attendance by invitation) |

1.1 INTRODUCTION:

The Chairman, Dr. S.M. Misari welcomed all the members present. He said the major thrust of meeting was for the sub-committee to incorporate major decisions and amendments agreed upon by stakeholders after the presentations of the Seed Law Review Committee and the Consultant reports during previous day's Mini – Stakeholders workshop at the Rockview Hotel, Abuja. He opined that the inputs of the stakeholders will largely improve the quality of the final report.

2.0 SUB – COMMITTEE DELIBERATIONS

The sub-committee went through the two mini-workshop's presentations and deliberated on the key areas where observations or comments were raised as follows:

2.1 FOUNDATION SEED PRODUCTION

The FAO Seed Consultant pointed out to the members that it is obligatory, as practiced in most places that NARIs undertake multiplication of foundation seed of their mandate crops, particularly at the initial stages from breeder seed. After exhaustive discussion, the sub-committee considered it necessary that NARIs be required to produce foundation seed of the mandate crops. The committee expressed concern and stressed the need for the International Agricultural Research Centres (IARCs) activities in the areas of seed multiplication (Breeder and Foundation seed) and extension will require active collaboration and coordination with the NARIs. NARIs taking the lead role.

2.2 HARMONIZATION OF DECREE 33 OF 1987 WITH DECREE 72 OF 1992

In this regard, the sub-committee, for consideration, suggested three options viz:

- i. Repeal of Act 33 of 1987
- ii. Complete change in the title of the Act to reflect the new activities to be carried out under the Act.

- iii. Minor amendment to the Act 72 in which the functions of the “Technical Committee” will be removed from the Act 33 and placed under Act 72 of 1992 so that the Variety Registration and Release under Act 33 will become mere formality.

At the end of all considerations, the sub –committee felt that minor amendment was the best option. It was thereafter suggested that in order to actualize this minor change by the “Seed Law Review Committee” a letter be initiated to the Permanent Secretary, Federal Ministry of Agriculture and Rural Development for endorsement to the Permanent Secretary, Ministry of Science and Technology, to jump start the amendment process.

2.3 CHAIRMAN OF NASC BOARD

As suggested during the mini-stakeholders’ workshop, the sub –committee up- held the need for the Chairman of the Board to possess such characters that can easily influence decisions at very high levels of government. Consequently, it was agreed that the Board Chairman of NASC need not be appointed only from membership of (SEEDAN) but could be any of the members who possess these qualities at the discretion of Mr. President of the Federal Republic of Nigeria. However, the Chairman of the Board shall not be a public servant.

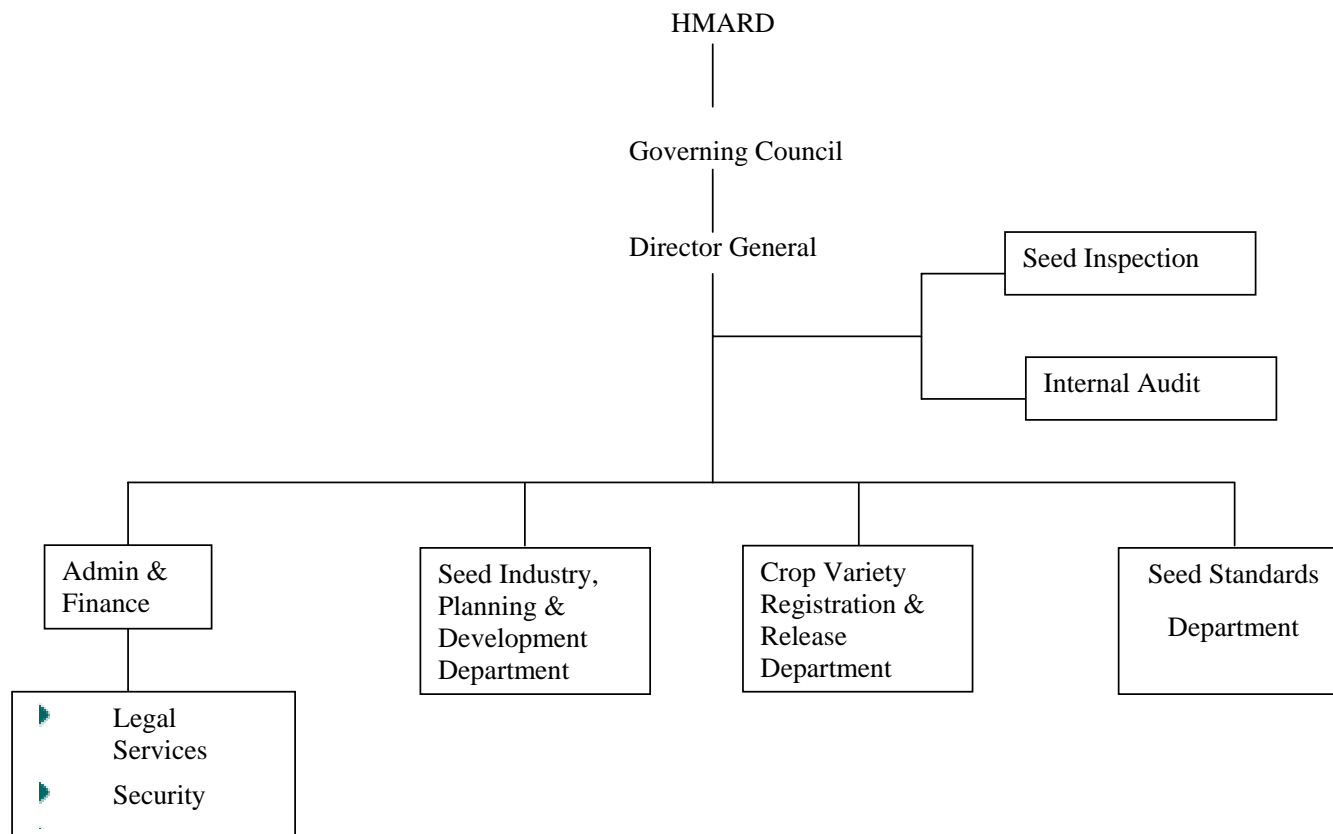
2.4 ORGANOGRAM OF THE BOARD

On the need for the Seed Law Review sub-committee to rationalize the Organogram of the council as mandated by the mini-stakeholders workshop participants, the group discussed the proposed Organogram of the Council exhaustively and came up with the following decisions:

- The Board shall be directly responsible to Honourable Minister of Agriculture and Rural Development.
- A “Seed Inspectorate” was carved out of the Seed Standards Department and made directly responsible to the Director General of the NASC, such that the Inspectorate can audit and enforce regulations in private and public sector institutions including NASC itself.
- In order to reduce overhead costs, three of the departments earlier proposed (i.e. Seed Production and Monitoring; Seed Industry Development; Planning; Information and Training Departments) were merged to form “Seed Industry Planning and Development Department. The other departments in the new compact structure included Crop Variety Release and Registration, and Seed Standards as well as Department of Administration and Finance.
- Legal Services, Security and Public Relation Units were relocated to Administration and Finance Department.

The amended proposed Organogram is attached. The functions and responsibilities of all the departments were reviewed. Those of the Seed Industry Planning and Development Department were to be a consolidation of the three earlier proposed Departments.

THE NEW ORGANOGRAM



2.5 NATIONAL AGRICULTURAL RESEARCH POLICY

The sub-committee observed that it is only when the National agricultural Research Policy is in consonance with the Seed Policy that any meaningful progress can be achieved. There is need for a review of the National Research Policy. The sub-committee was informed that there is a new policy on Research which needs to be viewed along side with the new seed policy being proposed.

2.6 TERMS OF REFERENCE (TOR)

The Chairman of the sub-committee went through the TOR with members of the sub-committee to find out if there were areas of the TOR not covered by the Committee report. It was generally agreed that the report had a fair coverage of the TOR.

2.7 GENERAL

- i. Sub-committee acknowledged the contributions of the FAO International Consultant (Mr. Neville Mc Andrew) and promised to inform SPFS/FAO Nigeria in writing accordingly.
- ii. The Chief of Party (COP) who was invited for a briefing on progress raised a few comments on vital areas of concern and wondered if the sub-committee had addressed them in their deliberations. The areas were:
 - The involvement of more private sector participation in foundation seed production and distribution.
 - The provisions for “Intellectual Property Rights” (IPR).
 - The need for Research Institutes to use the under-utilized processing facilities of private sector seed companies rather than buying new ones for their breeder and foundation seeds.
 - Encouragement of small farmers groups to produce seed as associations.
 - Chief of Party up-held the propose minor amendments to Act 33 of 1987 rather than a repealment of Act out-rightly.
 - Request of a copy of FAO Seed consultant report from the sub-committee.
 - Emphasis on the need to calculate the cost of running the affairs of the proposed council (organogram) as part of the tools to be used in defending its establishment. Should the cost be on the high side, the sub-committee may suggest further reduction in its size of the Council.

2.8 SUGGESTED WAY FORWARD AFTER COMMITTEE REPORT:

- i. The report should be circulated among core stakeholders for comments.
- ii. Popular comments to be incorporated in the report before final submission to the Honourable Minister of Agriculture and Rural Development for further processing.

- iii. It is desirable for the input of FAO Seed Consultant Mr. Neville McAndrew be made available to the Seed Law Review Committee before final submission to the Minister. To this end, the Chief of Party is to make necessary contacts with FAO/SPFS Nigeria to explore the possibility of a second visit by the Consultant to participate in the Review.
- iv. Sub – committee to recommend FAO Farmers Radio Link Campaign programme as a possible source of funding seed programmes/campaign.

3.0 CLOSING

Schedule of next meetings were agreed as follows:

- a) Development of Minutes of Meetings to be ready on Friday 18th June, 2004.
- b) McAndrew report expected on July 2nd, 2004.
- c) Sub – committee meeting to finalize report to be organized by DAIMINA Project as soon as the Consultant report is received from Rome.
- d) The next meeting of the full Seed Law Review Committee tentatively slated for July 8, 2004.
- e) Anticipated date of report submission to the Honourable Minister not later than end of July, 2004.
- f) Meeting closed at about 4:30pm.

IV. SUBSISTING SEED POLICY STATEMENT

1.0 INTRODUCTION

The Federal Government Agricultural Policy for Nigeria (1987) stresses the importance of ensuring an adequate supply of good quality seed. Provision of good quality seed of crop varieties suited to farmers' needs in diverse agro-ecological conditions is crucial for continued growth of Nigerian agriculture. Thus, as part of the overall national goal of increasing agricultural production and farm income, the Government of Nigeria initiated an action programme of policy

and institutional reforms for the seed sub-sector to ensure timely and stable supply of quality seed.

While it is important to view the policy for the seed sub-sector as an integral part of an overall policy for the agricultural sector, an independent policy, clearly defining long term objectives and goals for the seed sub-sector is equally necessary. The Seed Policy should also clarify the roles and responsibilities of various institutions involved in the seed sub-sector, and provide a favourable environment for the growth of the private sector.

The seed policy statement outlines below proposes the development of a strategy for the sub-sector and spells out the roles and responsibilities of public and private sector agencies.

2.0 SEED SUB-SECTOR POLICY

The seed policy statement provides a framework for the future development of the seed sub-sector and proposes actions to overcome the constraints facing the sub-sector. Specifically, the key goals of the seed sub-sector policy are to:

- (i) Support varietal development, registration, release and multiplication of released varieties.
- (ii) Improve the quality of seed sold to farmers
- (iii) Re-orientate the operations of public sector agencies along commercial lines
- (iv) Encourage private sector participation in seed operations through appropriate policies and promotional activities.

18

18

3.0 LEGAL FRAMEWORK

A National Agricultural Seed Decree has been promulgated which provides the legal framework for regulating the various aspects of seed production and quality control activities to safeguard both the seed producers and users. The regulations included in the decree cover:

- i) Variety Development
- ii) Registration, release and certification of seeds:
- iii) Seed quality control;
- iv) Production and marketing;
- v) Institutional structure giving broad outlines of roles and responsibilities of various agencies; and
- vi) Import and export of seeds.

The decree also provides guidance on the policy direction for seed, particularly to encourage greater participation by the private sector.

4.0 CLASSES OF SEED:

There shall be three (3) classes of seed derived from nucleus seed/parental material viz:

i) Breeder Seed:

Breeder seed is the class of seed that is produced from nucleus seed supervised by qualified plant breeder. Breeder seed of publicly bred varieties is the responsibility of relevant National Agricultural research Institutes (NARIs), while private breeders are eligible to produce breeder seed from privately bred lines.

ii) Foundation Seed

Foundation seed is the progeny of breeder seed so produced provide it maintains the prescribed minimum standard acceptable to the certifying agency. National Seed Service (NSS) is to produce and distribute foundation seed for all publicly bred varieties while the private sector plant breeders are to produce and distribute Foundation seed from their privately bred lines.

iii) Certified Seed

Certified seed shall be the progeny of Foundation seed provided it meets the prescribed minimum standards of the certifying agency. The Agricultural Development Programmers (ADPs) and Seed Companies are responsible for the production and distribution of both publicly and privately bred varieties.

5.0 SEED PRICING POLICY

A sound seed pricing policy that will allow for both financially sustainable programmes in the public sector, as well as encourage active participation by the private sector shall be implemented.

6.0 MAJOR COMPONENTS OF THE SEED POLICY

6.1 RESEARCH AND DEVELOPMENT

Both public and private researchers are encouraged to be involved in breeding and seed development. Currently, only public research institutes and international research organizations are involved in breeding programme in Nigeria. The National and International Agricultural Research Institutes have the responsibility for varietal development, maintenance, breeder seed production and supply to

NSS and the private sector. The mandate crops of these Research Institutes are indicated in Annexure I and II.

6.2 VARIETY RELEASE AND REGISTRATION

Varietal evaluation and release would be conducted as widely as resources allow, but always, the trials should be organized under farming regimes which reflect current practices. This involves having variety trials organized at different levels of inputs, identifying varieties giving high yield at high levels of inputs and also the selection of varieties that are responsive to low level of technology. Variety evaluation by the Nationally Coordinated Research Projects (NCRPs) provides unbiased information on a variety and expedites the process of multi-locational tests to avoid repetition beyond two seasons. Farmers' involvement in the process of varietal release through of-farm tests is a crucial step towards acceptability of the newly released variety. Participatory Varietal Selection (PVS) process would be harmonized with the NCRP system. Provision of adequate funding, mobility and other facilities are of great importance in ensuring the success of the NCRPs, so that a crop kind variety intended to be registered and released could be evaluated within two years of test to determine its adaptability to a particular geographical area.

6.3 SEED MULTIPLICATION

The NSS shall have major responsibility for foundation seed production of publicly bred crop varieties, seed certification and quality control, planning, coordination and promotion of the seed programme and seed industry development, transfer of new seed technology to farmers through assistance to

the extension services of ADPs, vocational training in Seed Science and Technology and Human Resources Development in the seed sub-sector. NSS has discontinued direct production and shall continue to organize production of foundation seed through out-growers, research and private sector enterprises in compact areas in the most suitable ecology.

6.4 CERTIFIED SEED AGENCY

The Certified Seed Agencies include ADPs, Farmers Supply Companies (FASCOMs) and Private Seed Companies and they are to produce certified seed for farmers' use.

- 6.4.1.** The ADPs operating at the state level are at present responsible for the production and processing of certified seeds and except in states with existing FASCOMs also sell seed directly to farmers. It is envisaged that as time goes on, multiplication and marketing of certified seed would be fully taken over by FASCOMs or the private sector.

6.4.2 PRIVATE SECTOR

The private sector would be increasingly involved in certified seed production, processing and marketing through the private seed producers, seed enterprises, seed distributors and dealers. A number of specific actions put in place to support and encourage the private sector have been put in place, which include:

- i) Participation in the formulation of policies through representation on the National Seed Council;

- ii) Access to breeder and foundation seed of publicly bred varieties for seed enterprises that do not have an independent research capability;
- iii) Grant of exclusive right to produce and market hybrids and vegetable seeds;
- iv) Freedom to import breeding material, subject to plant quarantine regulation to develop own cultivars.

7.0 NATIONAL SEED CERTIFICATION AGENCY

22

22

There is need to establish a National Seed Certification Agency (NSCA) for purposes of quality control and certification.

The NSCA shall ensure that proper procedure of seed production is followed in:

- i) Growing, rouging and harvesting of the seed crop;
- ii) Seed delivery to processing plants/stores, as well as inspect the premises, stores, processing plant machinery and other physical facilities used by the breeders, seed growers, seed companies and seed processors to ensure proper maintenance.

7.1 SEED CERTIFICATION

Seed certification provides the farmer a third party guarantee of genetic purity and assurance that the seed has met specific germination and physical standards. Minimum seed quality standards are adopted for seed operations in Nigeria. It is

important that the Seed Certification Agency should be an independent autonomous body not connected with seed production and marketing or law enforcement.

A seed lot having met the prescribed field and seed standard for the class of seed should be issued a certificate by the Certifying Agency. An authorized official of the Certifying Agency shall ensure packaging, tagging, sealing and the issuance of the certificate expeditiously and he/she shall endorse the signature on the reverse of each certification tag and shall affix rubber stamp indicating official name, designation and index number.

7.2 QUALITY CONTROL

23

A steady production of quality seed is required in order to provide the farmer with seed of desired genetic composition, purity and physiological state. Quality control should be used to avoid crop failure caused by the use of inferior seed.

In order to control the quality of Breeder seed at production stage, the NSCA shall conduct joint monitoring field inspections along with the representative of the producing institution, the breeder and interested foundation seed producers whereas for the production of foundation and certified seed classes, field inspections shall be conducted as per prescribed procedures and standards.

23

All seed being sold are subjected to sampling and testing by the staff assigned to this work under the provisions of the Seed Act for seed law enforcement. Seed

found to be improperly labeled or of sub-standard quality should be removed from the market

8.0 SEED LAW ENFORCEMENT

The control of seed quality at the marketing level is the responsibility of the Seed Law Enforcement Officers/Seed Inspectors, who have the power at all reasonable times on the production of his Identity Card to enter any place where he has reason to believe that an offence under the Seed Act has been or is being committed. A Seed Inspector may take samples of any notified kind or variety from any person selling such seed, or any person in the course of conveying, delivering or preparing to deliver such seed to a purchaser or a consignee and send such sample for analysis to the Seed Analyst for the area within which such sample has been taken.

9.0 SEED IMPORT AND EXPORT

Seed export, especially to countries in the West African and African continents shall be encouraged in order to facilitate international seed trade. Except for breeding and varietal development purpose, importation of large quantity of seed shall be subject to satisfactory results of multi-locational trials by the relevant NCRPs. Application for import and export of seeds would be handled in a manner as specified in the Seed Act. NSS is supposed to assess the quality standard of seed for importation and the Plant Quarantine Service (PQS) should verify the phyto-sanitary condition of the seed for importation. All seed for export and

24

imports shall carry the necessary phytosanitary certificate and laboratory test report.

Certified seeds and any of the other categories of seed accepted for sale in Nigeria shall be accepted for export, subject to fulfilling prescribed quality standards and compliance with the phytosanitary regulations.

10.0 TRUTHFUL LABELLING

The production and trade of truthfully labeled certified/uncertified seed under internal quality assurance shall be allowed by the private seed companies/producers subject to laid down guidelines. The truthfully labeled seed shall meet all the prescribed seed standards equivalent to those of certified seed class.

11.0 SEED PROCESSING

Seed eligible for seed trade are supposed to be processed before distribution and marketing. Processing of such seed is to be carried out by legal and approved processors.

12.0 MARKETING OF SEED

A person or organization who offers agricultural seed of a released or notified crop/cultivar for sale shall ensure that the label affixed to the container accurately describes the seed contained therein. Except for demonstration purpose, no person shall offer for sale agricultural seeds of a released and or notified crop/cultivar in an open container. When the seed of a released or notified crop/cultivar is offered for sale, each container shall be marked or labeled in the manner as specified, and

shall carry information, such as the name of the crop/cultivar, minimum limits of germination and physical purity.

13.0 HUMAN RESOURCE DEVELOPMENT

Training of personnel on seed production technologies, seed processing and storage, certification and quality control, seed industry development and seed legislation are paramount in effective seed system.

25

TABLE 1: NATIONAL AGRICULTURAL RESEARCH INSTITUTES (NARIs) WITH THEIR MANDATE CROPS

S/NO	NAME OF NATIONAL AGRIC RESEARCH INSTITUTE (NARIs)	MANDATE CROPS
1.	Institute for Agricultural Research and Training (IAR&T), Ibadan	Kenaf, Popcorn
2.	National Cereals Research Institute (NCRI), Badeggi	Rice, Soybean, Beniseed, Sugarcane
3.	Institute for Agricultural Research (IAR), Zaria	Sorghum, Groundnut, Cotton, Cowpea, Maize, Sunflower
4.	Lake Chad Research Institute (LCRI), Maiduguri	Wheat, Millet, Barley
5.	National Horticultural Research Institute (NIHORT), Ibadan	Tomatoes, Okro, Amaranthus, Celosia, Corchorus, Solanum, Onion, Telferia, Pepper, Mango, Citrus, Banana, Pawpaw, Pineapple, Guava
6.	National Root Crop Research Institute (NRCRI), Umudike	Cassava, Yam, Ginger, Cocoyam, Sweet potato, Irish Potato

TABLE 2: INTERNATIONAL AGRICULTURAL RESEARCH CENTRES WITH THEIR MANDATE CROPS

S/NO	NAME OF INTERNATIONAL AGRIC RESEARCH CENTRE	MANDATE CROPS
1.	International Institute of Tropical Agriculture, Ibadan and Kano	Hybrid Maize, Maize, Cowpea, Cassava, Soybean, Yam, Cocoyam and Sweet Potato
2.	West African Rice Development Association, (WARDA), Ibadan	Rice,
3.	International Institute for Research in Semi-Arid Tropics (ICRISAT), Kano	Millet and Sorghum

26

V. STRATEGIES FOR THE NATIONAL SEED SUB-SECTOR DEVELOPMENT PLAN: EXECUTIVE SUMMARY AND RECOMMENDATION*

The National Seed Workshop was organized during the period November 24 – 27, 1992. The objectives was to interact with each other and to update technical knowledge, discuss successes and failures of their respective components and provide opportunities to review progress. The outcome of the discussion, which was participated by over 125 officers, immediately helped in planning future strategies for the seed sub – sector development plan on the following lines.

1. Considering that quality seeds is one of the most important and the cheapest input of modern agricultural production, a high priority should be given to the establishment of a functional infrastructure for the production and distribution of quality seeds of improved varieties and for this purpose the National Seed sub-sector Development Plan as described, should be organized.
2. As a first step, it is necessary to identify areas and crops where most rapid progress is likely to be achieved. At an early stage attention should be given to preparing a cost analysis and budget and the government should approve the allocation of funds to become available for the development of the Seed Sub – sector Development Plan.
3. Special attention should be paid to the need of subsistence and resource-poor farmers. In particular the development of varieties that can give superior yield without the use of high levels of other inputs, like fertilizer and insecticides, is strongly recommended.
4. Variety evaluation should be conducted as widely as the technical resources allow, but always, the trial should be organized under farming regimes, which reflect current practices. This involves having variety trials organized at different levels of inputs, identifying varieties giving yield at high levels of inputs and also the selection of varieties that are responsive to low level of technology.

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5. The varietal evaluation by NCRPs provides unbiased information on a Variety and expedite the process of multi- locational tests to avoid depletion beyond the two seasons. Moreover, farmers' involvement in the process of varietal release through on – farm test is a crucial step towards acceptability of the newly released variety. The strengthening of NCRPs and On-farm tests through provision of adequate funding, mobility and other facilities are of great importance. The process of varietal release should not be inordinately delayed.
6. The plant breeders should make available a minimum of 50Kg of breeder seed, for a variety like to be released for its pre-release multiplication, so that on actual release the demand of seed could be met.
7. The breeder seed is the highest seed from which all other pedigree classes emanate. It is therefore imperative that the breeder seed should be genetically pure. Moreover, small area grown under breeder seed is more congenial to rigorous control than larger areas required for subsequent steps in multiplication.
8. The varietal maintenance of self- pollinated crops should be carried out by ear –to progeny row technique and that of cross-pollination crops through sib-pollination steps in isolation be adopted.
9. The Research Institute should established a Seed Unit to multiply the nucleus seed development through the systematic techniques of varietal maintenance, for supply of larger quantities of breeder seed to the NSS. The National Seed Service on the other hand should expedite the procurement and supply of tractors, implements, plant threshers, seed processing equipment and renovation of a room with condition storage, besides pre-financing the breeder seed production. In commensurate with facilities being offered by NSS, the Research Institutes should establish the Seed Unit. This unit would; (a) help and relieve the plant threshers, seed processing equipment; (b) make available larger quantities through the contract seed growers; and (c) cut down a stage between the breeder seed and the certified seed and thus maintain better quality.
10. The Foundation seed production should not be scattered, but organized in contact areas, in most suitable ecology and time, and in close proximity of Research Institutes and Seed Processing Plants to permit supervision and control to be more economical and effective.
11. NSS should meet the full requirement of foundation seed of ADPs and private sector and relieved ADPs in production of second stage of foundation seed.
12. Private sector could also have a direct access to the breeder seed. But the requirement should be conveyed to breeder at least one year in advance to enable them to produce larger quantity for the private sector.
13. The basic requirement for seed production planning is estimating as effective demand which depends on; (a) the replenishment of a variety in use with a newly released variety; (b) the periodicity of replenishment of farmer's own seed; (c) the reputation of a seed company, and (d) increase in seed requirement due to extension of area under a crop.

An effective demand for certified seed has been estimated at 56125 tonnes. While the coverage under certified seed varies from crop to crop ranging from 2 percent

for millet to 25 percent for maize, rice and cotton, the overall actual coverage through lateral spread with farmer-to-farmer exchange in respect of open-pollination varieties would be larger to an extent of over 50 percent during the next 6-7 years.

14. The annual requirement of breeder and foundation seed to meet the national requirement of certified seed has been worked back. The estimated quantities of breeder seed have allotment to the concerned Research Institutes for supply to the NSS.
15. The public sector should withdraw from certified seed production and lay major emphasis on technical components of variety development; extension and adaptive research; seed certification and quality control; and development of private sector.
16. The Certified seed production would be organized by three organizations namely; (a) public sector; (b) large/multi – national companies and (c) seed Producer – Seller enterprises. Of the total quantity of 56125 tonnes of the estimated Certified seed production by the year 2000 A.D., the public sector would phase out and produce only 15 percent and the remaining 85 percent would be taken over by the large companies (66%) and small Producer-Seller enterprises (19%). The Certified seed production of hybrids, cotton, seed potato, vegetable and forage seed would be exclusively organized by the large/multi-national companies, because of specialized nature of seed production, processing and storage. The seed production of the remaining crop is expected to be shared equally by the large and small seed Producer-seller enterprises. The large companies, however, would be utilizing the contact seed growers for the production of seed.
17. The changes in the Federal Government Seed Policy have attracted, a few large companies including multi – nationals like Pioneer International (USA) and PANNAR of South Africa. These two companies in collaboration with the national enterprises have started functioning. In addition, CARGILL (for cotton seed), DEKAAB (Sorghum hybrid) and CIBAGEIGY are making preliminary studies to enter into the seed business.

The establishment of International Companies is very beneficial and contributes new technology developed by them over a long period of research; make available exotic material available for development of high yield hybrids, better techniques of marketing and sale promotion. These crops like hybrids and vegetable seeds having

an assured demand and earn sufficient profit to justify investment. The need of resource – poor – farmers is not met much by such companies.

18. A new strategy meeting the requirement of resource poor – farmers needs to be developed. In this connection it may be mentioned that since an easy access to seed is a critical factor in enhancing seed use, only a decentralized system of seed production and marketing can address the issue of providing seed to a large number of small farmers.

Therefore the approach is to motivate dependable contract seed growers in the establishment of small enterprises to multiply quality seed and to sell themselves, earn better remuneration than contract seed production and make available larger quantities of seed within easy reach of farmers.

The development of Producer – Seller Enterprises mentioned above would offer many advantages, namely; (a) Flexibility in developing operations responsive to local needs; (b) low initial capital out lay; (c) limited requirement of management skill, (d) better vision for seed demand; (e) reduced transportation cost, minimize delay in seed supplies and provide an easy access to farmers around them at affordable prices and sometimes on credit. In addition, seed production in local areas would serve as a good demonstration to witness the potential of the improved variety.

19. Through the Federal Government, through the seed policy and the Seed Decree has committed for encouragement of private sector in seed industry, there is a need

for spelling out specific incentives required for faster development of this sector.

These include:

A. Large Scale Multinational Companies would need:

- a) grant of Pioneer Status;
- b) exemption from import duty on seed machine;
- c) exemption from building taxes and sales tax;
- d) credit facility on concessional interest rate of 12 percent for seed enterprises and the gap to be reimbursed to banks by the government;
- e) liberalization of grant of Letter of Credit and concession to foreign exchange from banks;
- f) special quota allocation of fertilizer for Seed Companies/Seed Association for seed production and seed use;
- g) allotment of farm centres (presently lying vacant) to the private sector for making of improved seed along with distribution of other inputs like fertilizer and chemicals;
- h) encourage seed exports to the neighboring countries. Varieties developed by IITA have a wide adaptability across the continent and demand of export could be developed;

B. Seed Producer – Seller Enterprises would specifically need:

- a) technical assistance on seed management; processing and storage; and internal quality control;
- b) assistance in seed processing either by custom service or through installation of equipment on hire-purchase basis;
- c) provision of metal storage bins, fumigants, fungicides for better preservation of seed stocks;
- d) credit facilities on concessional interest rate.

In addition, incentives mentioned at ‘A’ and ‘B’ would need an aggressive support of seed Promotion Programme. In order to have a full impact on faster development of the private sector (Large and Small seed Producer – Sellers) a concerted package approach of different incentives and facilities discussed earlier would be rewarding.

20. To meet the financial needs of such enterprises the interested parties should submit their application and feasibility report along with the requisite information to one of the participating banks. The federal Government has obtained a loan of U.S. \$142 million from the World Bank (2995 UNI) to support Small and Medium Scale Enterprises (SME). The Seed enterprise could also avail this facility provided that

the enterprise is at least 51 percent Nigerian owned and the total cost of the Project does not exceed ₦45 million.

21. Nigerian Agriculture and Cooperative Bank (NAB) has been established with the sole aim of improving the level of agricultural production and promoting the growth of cooperatives including seed production. With the prevailing high rates of interest, no agro-based industry particularly the seed industry can survive. It is therefore, for the consideration of the Federal Government that the rate of interest for seed enterprises may be kept at a reasonable level not higher than 12 percent and the gap be reimburse to the NACB by the Government.
22. Seed Certification provides to; (a) the farmers a third party guarantee of genetic and physical purity and its viability; (b) the seed producer making available a rigorous quantity control programme that is usually beyond the seed producer's own resources and (c) the seed merchandisers, a source of seed supply that is authentic and of high quality.

A well developed and functional Seed Certification and Quantity Control Programme is crucial to the development of a Seed Industry. Moreover, the National Seed Service, on the benefits to be derived from the use of Seed Certification by public and private sectors, should mount a strong awareness of the programme. The problem of mobility of the Seed Certification Staff and establishment of a full-equipped Seed testing Laboratories manned with trained technicians may be taken up on priority basis.

23. An aggressive seed promotion programme through a large number of Small Plot Adaptive Trials with improved varieties and hybrids should be conducted through ADPs.
24. Training is a continuous activity and is needed for staff of the public and private enterprises at all levels.
25. Future organizational set up of the NSS: It is envisaged that the National Seed Service (NSS) would cease to handle the commercial operations and would split into three organizations namely;

(a) Foundation Seed Production Organization:

By the end off year 1995 the requisite infrastructure of seed processing, storage (ambient as well as conditioned); adequate manpower properly trained, full cost recovery of seed implemented and a revolving fund of ₦10 million provided under the NSPQ Project for reserve and incremental capital would have been built up in a separate account. At this stage all expenses of the foundation seed could operate on a self-finance basis and could be taken over by an autonomous organization.

However, it would be desirable to (a) appoint a consultant to prepare a feasibility report and (b) Senior concerned officers deputed to make study of few patterns of Seed production in public, private and joint sectors in developing countries like Kenya, Zimbabwe and India for adopting of a system suited to Nigerian conditions.

(b) Seed Certification Agency:

Likewise it is envisaged that by the end of year 1994, the infrastructure by way of promulgation of Seed decree; rules and regulations formulated; fully equipped seed testing laboratories, adequate number of trained staff and their mobility along with a revolving fund would have been established.

During 1995 an independent Seed Certification Agency could be set up to handle; (a) seed Certification; (b) seed testing; (c) pre and post – control grow – out test; (d) DUS test and (e) carry out the Seed research.

Since Seed Certification would be a service to the Seed Industry, it could not operate on self-supporting basis. The Government would either provide budget support on an annual basis or provide a lump sum of N10 million including the funds available in the revolving fund. A feasibility study by a consultant would be desirable and may be organized during 1994. A study tour by senior concerned members to Kenya, Sri-Lanka and India would be helpful in selection of a system of Seed Certification suited to Nigerian conditions.

(c) National Seed Service:

The NSS would be responsible for the remaining activities of Planning, Coordination, Law enforcement, promotion of the seed programmes, seed industry development particularly in the private sector, transfer of new technology to farmers, and human resource development and provide secretariat assistance to the National Seed Council.

26. The Seed Plan activities should be reviewed on a regular basis. It is also necessary to obtain feed back information on the impact of the activities for this evaluation.

27. It would be desirable if a Seed Review Team comprising of policy makers from Federal Department of Agriculture from Research, Planning and Finance could be deputed to make a study on the Seed Industry in some of the developed and developing countries and decide the future pattern of infrastructure suited to Nigerian conditions.

28. The magnitude of Seed Industry as in 2000 A.D. is given, below:

-	Area needed under seed crops	60,000 ha
-	Breeder Institutions	10
-	Processing Plants and Storage for Breeder Seed (capacity 5 –10t each) 10 x 2 persons	20

-	ginning and delinting machines for breeder & foundation seed cotton	4
-	Breeder Seed Production Unit (10 x 4) persons	40
-	Five cold storages for seed potato x 4 persons	20
-	Foundation Seed Agencies (NSS considered Equivalent to 5 because of its involvement in 5 regions, 12 others will need 3 persons in each (17 x 3)	51
-	Processing and storage for foundation seed (capacity 200 tons each) 17 x 2 persons	34
-	Certified seed Agency: one certification officer In-charge and one certification officer in each State	62
-	Seed Industry Development, one officer in each State	31
-	Small farmers participating in the production Of certified seed (annual)	12,000
-	Contract Seed Growers with organized Seed Agencies (5 ha. each)	6,000
-	Processing plants for Certified Seed (capacity 500t)	

-	Storage for Certified Seed:	
i.	Organized Seed Companies	80
ii.	At each LGA (20t capacity)	589
iii.	Seed boxes for villages	5,890
-	Graduates and post – graduates (Seed Tech.)	684

29. The professional staff necessary for the project should be recruited within the shortest possible time. It is strongly recommended that such staff should be on their duty posts not later than June 30, 1993, and provided adequate on-job training in their respective fields.

30. The cost recovery programme initiated by the public sector organizations would minimize dependency on government for financial support and lead to a more sustainable and competitive industry. The total cost anticipated on seed Sub-sector Development Plan inclusive of physical contingencies and inflation amounts to over ₦750 million for the period 1993 – 2000 A.D. of this 35 percent is likely to be invested by the Private sector.

31. The major benefit of the plan would be the incremental crop yield through the use of certified seed. The value of incremental output would progressively increase from ₦445 million in 1994 to ₦1310 million by the year 2000 with the Economic r Rate of Return of over 100 percent. The seed sub-sector Development Plan therefore is a worthwhile project and its benefits are quite robust.

VI. REPORT OF SEED POLICY SUB-COMMITTEE¹

Introduction

1. The term of reference of the sub-committee is: to examine the national seed policy statement in relation to relevant provisions in the national agriculture policy and determine changes required to undertake the review of the seed law.
2. The major sources of information for the sub-committee's work include the following: New National Agriculture Policy (2002); National Seed Policy (undated); Submission of Nagoma Seeds Limited; India legislation on seeds; Mississippi pure seed law and regulations; Assessment of seed sub-sector policy in Nigeria .
3. This report is structured into six sections as follows: Introduction, Background, Approach; Major Findings; Summary and Conclusion.

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Background

4. The ***national agriculture policy*** subsumes several aspects including a ***seed policy**** for the nation. The specific provision for seed sub-sector in the *National Agriculture Policy* (2002, p17) is as follows: "*The seed industry development programme would be reinvigorated and community seed development programme promoted to ensure provision of adequate and good quality seeds to local farmers. The organized private sector would be mobilized, encouraged and given incentives to actively participate in the production of seeds, seedlings,..., and also be involved in out-growers mobilization.*"
5. The National Seed Service (NSS) is the unit of FDA that superintends over the implementation of the national seed policy. The agency has articulated a ***national seed policy statement*** to guide its activities, which elaborates the provision of the national agriculture policy in a number of ways.
6. The conceptual background to the sub-committee's work involves the definition and clarification of a few terms or notions as follows:
 - *Policy* – any action or inaction of government with a view to intervening in the economy for the purpose of development;
 - *National agriculture policy versus national seed policy* – national agriculture policy is the highest level of aggregation for the sector while seed policy specifically relates to the seed sub-sector; the seed policy is normally derived from the national policy and must be consistent with the provision for seed sub-sector in the national agriculture policy; both national policy and seed policy may be articulated separately but not independently, and may exist for implementation concurrently for use by experts in the agriculture sector without conflicts.

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¹ The Seed Policy Sub-committee of the National Seed Law Review Committee has the following membership: Dr. G. B. Ayoola (Chairman); N.O. Utoh, Alh. Ashiru Ringim, Alh. A.K Wodi, K.A. Adelugba (Secretary).

- *Policy versus policy statement* - The policy in the simple form gives general direction that government toes on the issues affecting a sector or sub-sector; policy statement is a further elaboration of the policy for use by particular agencies or authorities responsible for implementation of the policy.
- *Seed policy versus seed law* – seed policy receives a force of the actions from the seed law; it is not compelling that a policy be backed up with a law, depending on if the situation that led to the policy requires a force for the objectives to be achieved, as is presently the case with seed policy.

28

27

Approach

7. The approach used by the sub-committee involves a discussion of the following aspects: determination of the issues about the seed policy; identification of necessary changes in the seed policy; elaboration of strategy for implementing the seed policy; among others.
8. A checklist of issues was initially produced to give an overall scope to the task before the sub-committee. Thereafter the several issues were interrogated pertaining to the seed policy, namely: Research and Development (R&D); Quality control; Pricing; Private sector development; Genetically Modified Organisms (GMO) technology; Seed production and marketing; Seed extension and promotion, among others.
9. The determination of these issues was achieved by formulating certain questions to guide the discussion. The following questions were raised and discussed:
 - What is the national seed policy, in character and function?
 - What is the seed policy problem, that warrants its restatement at present?
 - What are the inconsistencies between the national seed policy and subsisting seed law, that necessitates the review of the law at present?
 - What changes in the national seed policy would be required to address the problem and inconsistencies, and ultimately to review the seed law?

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Main Findings

R&D

10. Funding of NARIs is poor with particular reference to their mandates for genetic improvement of crops to bring about new varieties of seeds and other planting materials
11. The issue of intellectual property rights is not attended to with respect to the need for protection of investors and inventors engaged in the seed industry.

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Quality Control

12. Referral laboratory is not available for validating the test results from regional laboratories (viability, purity, potency etc.), which affects the required level of confidence in seed and other planting materials among the end users.

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- 13. The stock of manpower for quality control activities is inadequate.
- 14. The facilities for quality control are inadequate including field equipment, mobility etc.

Pricing

- 15. There are pronounced divergences between public and private prices of seeds, which serve as a disincentive for private sector. 29 28 Formatted: Bullets and Numbering

Private sector development

- 16. There is a lack of definite policy incentives to reduce cost of production. 29 28 Formatted: Bullets and Numbering

GMO technology

- 17. There are no policy statements with respect to GMO technology, which prevents the use of the technology in the seed industry. 29 28 Formatted: Bullets and Numbering

Seed production and marketing

- 18. NSS is sometimes unable to buy back the certified seeds from contract growers, which affects their performance. 29 28 Formatted: Bullets and Numbering
- 19. The private sector actors sometimes engage in certain sharp practices such as selling of mixed types of seeds; augmenting supplies with unimproved seeds; etc.
- 20. The role of ADPs as producer/seller of certified seeds, creates price distortions resulting from inherent subsidies provided by government, which represents a disincentive to private sector seed companies.
- 21. The regular intervention buying of seeds by government through its agencies leads to price divergences, which also serve as disincentive to private sector companies.

Seed extension and promotion

- 22. The level of awareness of farmers about use of improved seeds is very low, owing to inadequate information flow coupled with absence of demonstration of new varieties. 29 28 Formatted: Bullets and Numbering
- 23. The quality and volume of seed extension work is low owing to inadequate training and re-training of extension workers on seed matters.
- 24. There is absence of data bank on seed

Summary and Conclusion

- 25. It is desirable to have a specific statement of the national seed policy derivable from the generalized national agriculture policy for the effective performance of the seed sub-sector. The available seed policy statement is deficient in relation to 29 28 Formatted: Bullets and Numbering

the practical activities of NSS and other stakeholders operating in the sub-sector, which necessitate certain changes to make it more operational and effective.

26. The sub-committee have considered and incorporated such changes into the original seed policy statement with a view to facilitating the review of the national seed law. Therefore a restatement of the national seed policy is herewith provided (attached).

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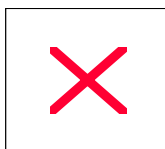
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VII. THE NATIONAL AGRICULTURAL SEED DECREE

A641

**Supplementary to Official Gazette Extraordinary No. 71 Vol. 79, 31st December, 1992 – Part
A**

NATIONAL AGRICULTURAL SEEDS DECREE 1992



Decree No. 72

[23rd November 1992]

Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows: -

**PART I – ESTABLISHMENT, ETC. OF THE NATIONAL
AGRICULTURAL SEEDS COUNCIL.**

1. - (1) There is hereby established a council to be known as the Establishment
of the
National Agricultural Seed Council (in this Decree referred to as “the Council”) National
Agricultural
which shall be charged with responsibility for the overall policy guidelines and Seed Council.
Monitoring of the development of the national seed system.

(2) The Council shall be a body corporate with perpetual succession
and a common seal and may sue and be sued in its corporate name.

2. - (1) The Council shall consist of: - Membership of
the Council.

(a) the Minister of Agriculture, Water Resources and Rural
Development, as Chairman;

(b) the Directors-General of: -

(i) the Federal Ministry of Agriculture, Water Resources and
Rural Development, as Vice Chairman;

(ii) the International Institute of Tropical Agriculture;

(c) the Director of: -

(i) the Federal Department of Agriculture,

(ii) the Department of Agricultural Science of the Federal
National Agency for Science and Engineering Infrastructure;

39

A 642

1992 No. 72

National Agricultural Seeds Decree

(d) four persons to represent State Ministries of Agriculture and
Natural Resources or State Seed Co-ordination Committees,
when established, one to be selected from each zone on
rotational basis;

(e) four persons to represent the Nigeria seed industry;

(f) one person each to represent:-

- (i) the Seed Growers Association; and
- (ii) the Co-operatives Societies of Nigeria;

(g) one person to represent the Federal Ministry of Finance;

(h) one person from a private financial lending institution;

(i) the Head of Unit, National Seed Service Unit of the Federal Ministry of Agriculture, Water Resources and Rural Development, who shall also serve as a member and Secretary to the Council; and

(j) a representative of the Department of Plant Breeding and Seed Technology in a Nigerian University.

(2) All appointments under paragraphs (d), (e), (f) and (h) of subsection (1) of this section shall be made by the Minister.

(3) Members of the Council, other than those appointed under paragraphs (b), (c), (d), (g), (i) and (j) of subsection (1) of this section, shall hold office for such period not being less than three years as the Minister, may from time to time, determine.

(4) The supplementary provisions set out in the Schedule to this Decree shall have effect with respect to the proceedings of the Council and the other matters specified therein.

Functions of
the Council.

3. The functions of the Council shall be -

(a) to analyse and propose programmes, policies and actions regarding seed development and the seed industry in general, including legislation and research on issues relating to seed testing, registration, release, production, marketing, distribution, certification, quality control, supply and use of seeds in Nigeria, importation and exportation of seeds and quarantine regulations relating thereto;

39

National Agricultural Seeds Decree

1992 No. 72

A 643

40

(b) propose improved management system and procedure relating to the administration of seed activity and advise the Federal Military Government on the organization, management and proper financing of seed programme;

(c) analyse the market and prices of seeds;

(d) control supervise and approve the activities of the following Committees established by or pursuant to this Decree, that is -

(i) the Crop Variety Registration and Release Committee.

(ii) the Seeds Standards Committee,

- (iii) the Seed Industry and Skill Development Committee, and
- (vi) such other committees as may be established, time to time;
- (e) advise the national research system on the changing pattern of seed demand and farmers needs;
- (f) monitor and evaluate the achievement of the national seed system and recommend improvements thereto;
- (g) encourage the formation or establishment in Nigeria of seed companies for the purpose of carrying out research, production, processing and marketing of seeds; and
- (h) perform such other related functions as may be required of the Council, from time to time.

4. As from the commencement of this Decree, every company incorporated in Nigeria for the purposes specified in paragraph (g) of section 3 of this Decree, shall enjoy such incentives as are granted by the Federal Military Government to an agricultural enterprise.

Incentives to seed

PART II - NATIONAL SEED SERVICE UNIT AND OTHER BODIES OF THE COUNCIL, ETC.

5. (1) There are hereby established for the Council, the following bodies, that is -
Seed

Establishment
of National
Service Unit
and
other bodies of
the Council.

- (a) the National Seed Service Unit;

- (b) the Crop Variety Registration and Release Committee;
- (c) the Seeds Standard Committee;
- (d) the Seed Industry and Skill Development Committee: and
- (e) the Department of training Information and Seed Extension.

and such other departments or bodies as the Council may from time to time deem expedient for effective discharge of the functions of the Council under this Decree.

(2) Each of the bodies referred to in subsection (1) of this section shall be headed by a Director.

National Seed as Service Unit. 6.-(1) The National Seed Service Unit (in this Decree referred to “the Unit”) shall have responsibility for –

- (a) the development, certification and quality control of seeds;
- (b) seed technology development, technical support services, seed industry development and co-ordination of breeder and foundation seed;
- (c) foundation seed production, distribution and monitoring of certified seed;
- (d) planning and monitoring the national seed programme and use;
- (e) the publication of list of registered, released or notified seed varieties approved for commercialization in Nigeria; and
- (f) assisting the development of the private seed industry.

(2) The Unit shall maintain a register of persons and or organizations carrying on crop varieties development research leading to the registration and release of improved crop varieties for commercial production and marketing.

(3) Any person or organization registered under subsection (3) of this section may, subject to the provisions of the National Phytosanitary Regulations, import duty free into Nigeria for use in the crop variety development research, variety breeding and other propagating biological materials.

Crop Varieties Registration and Release Committee. 7.-(1) The Crop Variety Registration and Release Committee shall have responsibility for making recommendations to the Council on matters relating to

(a) the registration and release of any given crop variety;

(b) the declaration of a crop variety as a notified kind and for the purposes of this Decree, different kinds or varieties of seed may be notified for different States of the Federation or different areas thereof.

(2) A crop kind variety intended to be registered under this section may be required to undergo a minimum of two years of test to determine its adaptability to a particular geographical area.

8. The Seeds Standard Committee shall have responsibility for making recommendations to the Council on matters relating to seed standard and procedure pertaining thereto.	Seeds Standard Committee
9. The Seed Industry and Skill Development Committee shall have and responsibility for making recommendation to Council on matters relating to the Development seed industry and skill development	Seed Industry Skill Committee.
10. The Department of Training Information and Seed Extension shall of have responsibility for training and information dissemination purposes.	Department Training and information.
11.-(1) The Council shall have five operating Zones and five Zonal Secretariats as listed in Schedule 2 to this Decree.	Operating and Zonal Secretariats
(2) Each Zonal Secretariat shall consist of a Director and such professional and non professional staff as can gainfully operate the Zone.	
12.-(1) Any person who sells, keep for sale, offers to sell, barter or certification. otherwise supplies any seed of any notified kind or variety shall apply to the Unit for the grant of certification for the purpose.	Seed
(2) Every application under subsection (1) of this section shall be in such form and contain such particulars and fees as may be prescribed by the Unit.	
(3) On receipt of an application for the grant of a certification, the Unit may, after making such enquiry as it thinks fit and after satisfying itself that the seed to which the application relates is a progeny of a pedigree seed and conforms to the field and laboratory standards for that seed under this Decree, grant a certificate in such form and on such conditions as may be prescribed.	
13. -(1) The Unit may revoke any certification granted under this Decree if it is satisfied that the certification was obtained by misrepresentation or that the holder of the certification has contravened any of the provisions of this Decree or any regulations made thereunder.	Revocation of certification

(2) The Unit shall, before revoking any certification, give due notice to any person likely to be affected by such a revocation.

(3) A person who is aggrieved by a decision of the Unit under subsection (1) of this section may appeal to such authority as may be specified by the Council within 30 days from the date on which the decision is communicated to him:

Provided that the appellate authority may entertain an appeal at the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filling the appeal in time.

(4) On receipt of an appeal under subsection (3) of this section, the Council shall after giving the appellant an opportunity of being heard, dispose of the appeal as expeditiously as possible.

(5) Every order of the appellate authority shall be final.

14.-(1) Every certification shall specify that the genetic identity of the Genetic identity. released variety is preserved through the various stages of multiplication of the seed.

(2) The following categories of seeds of released varieties shall be subject to seed certification, namely:-

(a) breeder seed;

(b) foundation seed/inbred lines; and

(c) certified seed.

Recognition of seed any certification agencies for the purposes of foreign countries. 15. The Minister may by notification in the *Gazette* recognize seed certification agency established in any foreign country, for of this Decree.

Importation or or exportation of shall forward seeds. Service. 16.-(1) An application to export or import seeds of a notified kind variety into Nigeria shall be made to the Unit and the applicant a copy of such application to the Plant Quarantine

(2) Seed samples meant for research purposes, seeds intended for export from or import into Nigeria shall carry the necessary phytosanitary certificates and viability tests result.

(3) Seeds imported into Nigeria shall in addition to identification as to their origin be clearly labeled with analysis.

<i>National Agricultural Seeds Decree</i>	1992 No. 72	A 647	
17.-(1) As from the commencement of this Decree, no person shall sell, of offer or expose for sale, falsely-labeled, tagged or untagged seeds of a notified falsely-kind, variety or hybrid. seeds, etc		Prohibition sale of labeled	44
(2) A person who offers agricultural seeds of a notified kind or variety for sale shall ensure that the label affixed to the seed container accurately describes the seeds contained therein.			
(3) Except for demonstration purposes, no person shall offer for sale			

agricultural seeds of a notified kind or variety in an open container.

(4) When the seed of a notified kind or variety is offered for sale each container shall be marked or labeled in the manner hereinafter specified.

(5) The person whose name appears on the mark or label shall –

(a) be responsible for the accuracy of the information required to appear on the mark or label if the seed is contained in the unopened original container;

(b) not be responsible for the accuracy of the statement appearing on the mark or label or for the accuracy of the germination statement beyond the date of validity indicated on the mark or label if the seed is removed from the original unopened container

the and seeds	18.-(1) There shall be specified on every mark or label-	Contents of
	(a) the minimum limits of germination and purity of any seed kind or variety;	mark or label
	(b) if the seed in the container has been treated -	description of
	(i) a statement indicating that the seed has been treated;	
	(ii) the commodity accepted chemical or abbreviated chemical (generic) name of the applied substance;	
	(c) the name and address of the person who offers for sale, or otherwise supplies the seed and who is responsible for its quality;	
	(d) the name of the seed species, variety, lot number, class of seeds and net weight.	

(2) The name of variety, trademark and registered brand shall be acceptable descriptive categories of seed for labeling purposes: provided that the name of the original variety is also stated on the label.

Restrictions on
export and import
seeds of notified
kinds of varieties.

19. No person shall for the purpose of sowing or planting by any person (including himself) export or import or cause to be exported or imported any seed of any notified kinds or variety, unless -

- (a) it conforms to the minimum limits of germination and purity specified for that seed subject to subsection (1) and (2) of section 8 of this Decree;
- (b) its container bears in the prescribed manner the mark or label for the correct particulars thereof specified for that seed under sections 14, 15 and 16 of this Decree.

Damaging of
shall registered names
etc.

20. Unless with the prior approval of the Council, no person damage any registered name, trade mark or brand of a variety.

Classification of
organizations persons engaged in
under the following seed production.

21. There shall be maintained a register of persons and licensed to engage in seed production and marketing classification, namely –

- (a) seed production company;
- (b) seed enterprises production on contract fur seed company;
- (c) breeder seed production agency (research institutes and private);
- (d) foundation seed grower (research and private);
- (e) enterprise seed processor;
- (f) seeds dealer whether as wholesaler or not.

Prohibition on
than processing etc. of
seeds for commercial
purposes.
Purposes.

22.-(1) Subject to subsection (2) of this section, no person other than a person registered under this Decree shall produce or be engaged in the production, processing and marketing of seeds for commercial purposes.

(2) The provisions of this section shall not apply to a person growing and delivering seeds of any variety direct to another person without monetary consideration for use by that other person for sowing on the latter's own farm.

<i>National Agricultural Seeds Decree</i>	1992 No. 72	A649	46
Seed	23.-(1) The Minister may by notification in the Gazette designate any laboratory as a central seed testing laboratory (in this Decree referred to as “a	Central	
y.		Laborator	
Seed laboratory”) for the purpose of carrying out the functions entrusted to a seed laboratory by or under this Decree.			

(2) A Seed Analyst shall at a seed laboratory carry out in the prescribed manner an analysis of seeds of a notified kind of variety.

24. The Genetic Resources Unit or any other agency or body within the National Agency for Science and Engineering Infrastructure so designated by the Minister shall be responsible for the collection, maintenance and registration of seeds or plants of land races and the varieties and accession from such collectors shall be available to public and private agencies for research purposes.

APPOINTMENT OF SEED INSPECTOR, ETC.

25.-(1) The Council may, by notification in the *Gazette*, appoint such Seed Inspector. persons as it thinks fit, having the prescribed qualifications, to be Seed Inspectors and define the areas within which they shall exercise jurisdiction.

26.-(1) A Seed Inspector may - Powers of Seed inspector.

(a) take samples of any seed of any notified kind or variety from –

(i) any person selling such seed; or

(ii) any person who is in the course of conveying, delivering or preparing to deliver such seed to a purchaser or a consignee; or

(iii) a purchaser or a consignee after delivery of such seed to him;

(b) send such sample for analysis to the Seed Analyst for the area within which such sample has been taken;

(c) enter and search at all reasonable times, with such assistance, if any, as he considers necessary, any place in which he has reason to believe that an offence under this Decree has been or is being committed and order in writing the person in possession of any seed in respect of which the offence has been or is being committed, not to dispose of any stock of such seed for a specific period not exceeding thirty days;

(d) examine any record, register, document or any other material object found in any place mentioned in paragraph (c) of this subsection and seize the same if he has reason to believe that it may furnish evidence of the commission of an offence punishable under this Decree; and

(e) exercise such other powers as may be necessary for carrying out the purposes of this Decree or any regulations made there under,

(2) The power conferred by this section includes power to break-open a container in which any seed of any kind or variety may be contained or to break-open the door of any premises where any such seed may be kept for sale

Provided that the power to break-open the door shall be exercised only after the owner or any other person in occupation of the premises, if he is present therein, refuses to open the door on being called upon to do so.

(3) Where a Seed Inspector takes any action under paragraph (a) of subsection (1) of this section, he shall, as far as possible, call not less than two persons to be present at the time when such action is taken and take their signatures on a memorandum to be prepared in the prescribed form and manner.

Offences and Penalties.

27. -(I) If any person –

(a) contravenes the provision of section 26 of this Decree or any regulations made there under; or

(b) prevents a Seed Inspector from taking sample under this Decree; or

(c) prevents a Seed Inspector from exercising any other power conferred on him by or under this Decree;

(d) contravenes any other provisions of this Decree,

he is guilty of an offence –

(2) A person who is guilty of an offence shall on conviction be liable –

(a) for the first offence, with fine which may extend to five hundred Naira, and

(b) in the event of such person having been previously convicted of an offence under this section, to imprisonment for a term which may extend to six months, or with fine which may extend to one thousand Naira, or to both such fine and imprisonment.

28. When any person has been convicted under this Decree for the Forfeiture of contravention of any of the provisions of this Decree or of any regulations made property. 48
thereunder, the seed in respect of which the contravention has been committed may be forfeited to the Government.

29.-(1) Where an offence under this Decree has been committed by a Offences by company, every person who at the time the offence was committed was in companies.
charge of, and was responsible to the company for the conduct of the business

of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly;

Provided that nothing contained in this subsection shall render any such person liable to any punishment under this Decree if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in subsection (1) of this section, where an offence under this Decree has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

30. Nothing in this Decree shall apply to any seed of any notified kind Exemption. or variety grown by a person and delivered by him on his own premises direct to another person without any monetary consideration for being used by that person for the purpose of sowing or planting.

PART III - STAFF OF THE COUNCIL

31. There shall be appointed by the President, Commander-in-Chief of Director of the Armed Forces, on the recommendation of the Minister, a Director-General the Council. of the Council who shall be the chief executive of the Council and be responsible for execution of the policies and day-to-day running of the affairs of the Council.

32.-(1) Subject to this Decree, the Council may appoint such other Staff generally, persons as members of its staff as it considers necessary and may approve conditions of service for the staff.

(2) If the Council thinks it expedient that any vacancy in the staff of the Council should be filled by a person holding office in any of the public services in the Federation, it shall inform the appropriate body to that effect and

thereafter the Council may, by arrangement with the body concerned, cause such vacancy to be filled by way of secondment or transfer.

(3) Where any person is seconded under subsection (2) of this section, he shall be notified of the terms and conditions of the secondment, and the secondment shall be without prejudice to any pension rights which, but for the secondment, would still accrue to him.

(4) A person seconded under subsection (2) of this section may elect to be transferred to the staff of the Council in which case any previous service in the public service concerned shall be qualifying services as defined in the Pension Act.

Pension.

Cap. 346 LFN. 33-(1) Service in employment of the Council shall be approved service for the purpose of the Pension Act and accordingly, officers and other persons employed in the Council shall be entitled to pensions, gratuities and other retirement benefits as are prescribed thereunder, so however, that nothing in this Decree shall prevent the appointment of a person to any office on terms which preclude the grant of a pension, gratuity or other retirement benefit in respect of that office.

(2) For the purposes of application of the provisions of the Pension Act, any power exercisable thereunder by a Minister or other authority of the Government of the Federation (not being the power to make regulations under section 27 thereof) is hereby vested in and shall be exercisable by the Council and not by any other person or authority.

PART IV - FINANCIAL PROVISIONS

Financial provisions.

34.-(1) There shall be established and maintained by the Council, a fund from which shall be defrayed all expenditure incurred by the Council.

(2) There shall be paid and credited to the fund established pursuant to subsection (1) of this section –

(a) such moneys as may be provided to the Council by the Federal Military Government or the Government of a State;

(b) all moneys as may be raised for the purposes of the Council by way of gift, loan, grants in aid, testamentary disposition or otherwise;

(c) all interests received in respect of moneys invested by the Council;

and

(d) all other assets, from time to time, accruing to the Council

(3) The fund shall be managed in accordance with rules made by the National Council of Ministers and without prejudice to the generality of the power to make rules under this subsection, the rules shall in particular contain provisions -

(a) specifying the manner in which the assets of the fund are to be held, and regulating the making of payments into and out of the fund;

(b) requiring the keeping of proper accounts and records for the purposes of the fund in such form as may be specified in the rules;

(c) for securing that the accounts are audited periodically by auditor appointed from a list and in accordance with guidelines supplied by the Auditor-General of the Federation;

(d) requiring copies of the accounts and of auditor's report thereon to be

furnished to the Minister of Agriculture, Water Resources and Rural Development.

35. The Council shall not later than six months after the end of each year submit through the Minister to the National Council of Ministers and to the Nigerian Council of Agriculture, report on the activities of the Council during the preceding year, Report

MISCELLANEOUS

36 (1) For the purposes of the Lands Use Act, the purposes of the land Acquisition of Council shall be public purpose of the Federation within the meaning of that Act, Cap. 202 LFN.

(2) The Minister charged with responsibility for land matters may, by an instrument under his hand and seal, vest in the Council any property acquired pursuant to subsection (1) of this section and the Council shall pay into the Consolidated Revenue Fund of the Federation a sum equal to the aggregate amount of any expenses (including compensation) incurred on behalf of the Federal Military Government by virtue of that subsection in respect of any property vested in the Council by such an instrument.

37(1) The Minister may, by notification in the Gazette make Regulations regulations to carry out the purposes of this Decree.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for -

(a) the functions of the Central Seed Laboratory;

(b) the certification of seeds;

(c) the manner of marking or labelling the container of seed of any notified kind or variety under sections 17 and 18 of this Decree;

(d) the requirements which may be complied with by a person carrying on the business referred to in sections 16 and 17 of this Decree;

(e) the form of application for the grant of a certification under section 12 of this Decree, the particulars it may contain, the fees which should accompany it, the form of the certificate and the conditions subject to which the certification may be granted;

(f) the form and manner in which and the fee on payment of which an appeal may be preferred under section 13 of this Decree and the procedure to be followed by the appellate authority in disposing of the appeal;

(g) the qualifications and duties of Seed Analysts and Seed Inspectors;

(h) the manner in which samples may be taken by the Seed Inspector, the procedure for sending such samples to the Seed Analyst or the central seed laboratory and the manner of analysing such samples;

(i) the form of report of the result of the laboratory analysis and the fees payable in respect of such report;

Interpretation.

38. In this Decree, unless the context otherwise requires -

“agricultural seeds” includes cereals, legumes, oil, grass, forage, fibre, root, tuber or any other kind of crop seed or seedling commonly recognised within Nigeria as agricultural seed; lawn seed, vegetable seed, forestry seed and seedlings, horticultural seeds and seedlings, ornamental seeds, seed mixtures and all planting materials as the Minister may designate from time to time;

“seed laboratory” means a central seed laboratory designated as such under section 23 of this Decree;

“certified seed” means any prescribed seed which is certified under the provisions of this Decree;

“container” means a box, casket, tin, barrel, tank, receptacle sack, bag, wrapper or other thing in which any article or thing is placed or packed;

“Council” means the National Agricultural Seed Council established by section 1 of this Decree;

“labelling” means any label or other written, printed or graphical representation, in any form, accompanying and pertaining to seed, whether in bulk or in container;

“Minister” means the Minister of Agriculture, Water Resources and Rural Development;

“export” means taking out of Nigeria to a place outside Nigeria;

“import” means bringing into Nigeria from a place outside Nigeria;

“notified kind or variety” in relation to any seed means any kind of seed or variety thereof notified under this Decree;

“seed importer” means any person who, either exclusively or in conjunction with any other trade or business, imports seeds into Nigeria for resale;

“seed inspector” means the person appointed as seed inspector pursuant to section 25 of this Decree;

“seed producer” means any person who either exclusively or in conjunction with any other trade or business, produces seeds for sale;

“seed seller” means any person who, either exclusively or in conjunction with any other person, trade or business, sells seeds for growing to Nigerian farmers;

“sell” includes to exchange or to offer, advertise, keep, expose, transmit, convey or deliver in pursuance of a sale, exchange or barter;

“Unit” means the National Seed Service Unit established by section 5 of this Decree;

“vanety” means a sub-division of any crop specie which can be differentiated from other sub-division of that kind of growth, plant, fruit or other characteristics

and any uniform group which can be a first generation hybrid (F1) or a plant population reconstituted on each occasion by crossing two or more breeding stock maintained by inbreeding or population maintained;

“weed seed” includes the seed of all plants included as weeds in the Seed Regulations or commonly recognized as weeds in Nigeria;

Citation. 39. This Decree may be cited as the National Agricultural Seeds Decree 1992.

SCHEDULE section
2(4)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Proceedings of the Council

Cap. 192 LFN.

1, Subject to this Decree and to section 27 of the Interpretation Act, the Council -may make standing orders regulating its proceedings or those of any of its committees.

2. The quorum of the Council shall be five and the quorum of any committee of the Council shall be determined by the Council.

3. At any time while the office of the Chairman is vacant or the Chairman is in the opinion of the Council temporarily or permanently unable to perform the functions of his office the vice-chairman shall perform those functions and references in this Schedule to the Chairman shall be construed accordingly.

4.-(1) Subject to the provisions of any applicable standing orders, the Board shall meet whenever summoned by the Chairman; and if the Chairman is required so to do by notice given to him by not less than six other members, he shall summon a meeting of the Council to be held within twenty-one days from the date on which the notice is given.

(2) Where the Council wishes to obtain the advice of any person on a particular matter, the Council may co-opt him as a member for such period as it thinks fit, but a person who is a member by virtue of this sub paragraph shall

National Agricultural Seeds Decree

V No. 72

A 657

not be entitled to vote at any meeting of the Council and shall not count towards quorum.

Committees

5.-(1) The Council may appoint one or more committees to carry out, on behalf of the Council, such of its functions as the Council may determine.

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the Council and not more than one-third of those person may be persons who are not members of the Council; and a person other than a member of the Council shall hold office on the committee in accordance with the terms of the instrument by which he is appointed.

(3) A decision of a committee of the Council shall be of no effect until it is confirmed by the Council.

6.-(1) The fixing of the seal of the Council shall be authenticated by the signature of the Chairman or of some other member authorised generally or specifically by the Council to act for that purpose.

(2) Any contract or instrument which if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Council by any person generally or specially authorized to act for that purpose by the contract.

SCHEDULE 2 Section 11.

OPERATING ZONES

- | | |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------|
| 1. Central Zone | Comprising the Federal Capital Territory Abuja, Benue, Kwara, Kogi, and Niger States with Secretariat in Benue State. |
| 2. North-Eastern Zone | Comprising Adamawa, Bauchi, Borno, Plateau, Taraha and Yobe States with Secretariat in Plateau State. |
| 3. South-Eastern Zone | Comprising Abia, Akwa Ibom, Anambra, Cross-River, Enugu, Imo and Rivers States with Secretariat in Enugu State. |

4. South-Western Zone

Comprising Delta, Edo, Lagos
Ogun, Ondo, Osun and

Oyo States with Secretariat in

Oyo State.

5. North-Western Zone

Comprising Jigawa, Kaduna, Kano,
Kastina, Kebbi and Sokoto States with
Secretariat in Kaduna State.

MADE at Abuja this 23rd day of November 1992.

GENERAL 1. B. BABANGEDA

*President, Commander in chief
Of the Armed Forces.
Federal Republic of Nigeria.*

EXPLANATORY NOTE

(This note does not form part of the above Decree but is
intended to explain its purpose).

The Decree establishes the National Agricultural Seeds Council to
promote and stimulate the development of dependable seed industry, regulate and
control the registration of released varieties, protect the farmers from the sale of
poor quality seeds, facilitate the production and marketing of high quality seeds
in Nigeria and provide legal backing for official testing, certification, sales,
importation, exportation, and use of seeds.

VIII. THE CROP VARIETIES AND LIVESTOCK BREED RELEASE AND REGISTRATION DECREE

A 245

Supplement to Official Gazette Extraordinary No. 65, Vol. 74, 23rd November,
1987—Part A

NATIONAL CROP VARIETIES AND LIVESTOCK BREEDS (REGISTRATION, ETC.) DECREE 1987



ARRANGEMENT OF SECTIONS

Section

- | | |
|------------------------------------------------------------------------------------------------------|--------------------------------|
| 1. Establishment of the National Crop Varieties and Livestock Breeds Register. | 6. Functions of the Committee. |
| 2. Appointment of Registrar, etc. | 7. Evidence. |
| 3. Alteration of Register. | 8. Offences and penalties. |
| 4. Custody of Register. | 9. Regulations. |
| 5. Establishment of the National Crop Varieties Livestock Breeds Registration and Release Committee. | 10. Interpretation. |
| | 11. Citation. |
| | SCHEDULE |

Decree No. 33

[14th October 1987]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. There is hereby established for the purposes of this Decree a register to be known as the National Register for Crop Varieties and Livestock Breeds (hereafter in this Decree referred to as "the National Register") in which shall be inscribed in a permanent form the names of old and new crop varieties and livestock breeds in Nigeria.

Establish-
ment of the
National
Crop Vari-
eties and
Livestock
Breeds
Register.

2.—(1) There shall for the purposes of this Decree be appointed a Registrar and such other grades of assistants as the Registrar may consider necessary for the enforcement of the provisions of this Decree.

Appoint-
ment of
Registrar,
etc.

(2) The Registrar referred to in subsection (1) of this section shall be the Head of the Genetic Resources Unit in the Federal Ministry of Science and Technology or his representative.

(3) The assistants shall each be appointed from the staff of the Federal Ministry of Science and Technology.

(4) Any act or thing required by this Decree to be done by, to, or before the Registrar may be done by, to, or before any assistant authorised generally or specially in that behalf in writing by the Registrar.

Alteration of
Register.

3.—(1) No person may insert, delete, alter, cause to be inserted, deleted or altered any particular in the Register relating to any registered crop variety or livestock breed unless he is authorised in writing to do so by the Registrar.

(2) Any person duly authorised by the Registrar to insert, delete or alter any particular in the National Register shall forthwith make the insertion, deletion or alteration and shall notify the Registrar in writing when such insertion, deletion or alteration has been completed.

Custody of
Register.

4.—(1) The Registrar shall secure the safety of the National Register maintained under this Decree which shall be in his custody when not in use.

(2) The National Register shall be kept in such a way as the Registrar may from time to time direct.

Establish-
ment of the
National
Crop Vari-
eties Live-
stock Breeds
Registration
and Release
Committee.

5.—(1) There is hereby established a committee to be known as the National Crop Varieties and Livestock Breeds Registration and Release Committee (hereafter in this Decree referred to as "the Committee") which shall operate under the Genetic Resources Unit of the Department of Agricultural Science of the Federal Ministry of Science and Technology and shall be charged with the general responsibility for crop varieties and livestock breed validation, registration, naming and release in Nigeria.

(2) The Committee shall comprise the following members, that is—

(a) a Chairman who shall not be a person employed in the public service of the Federation or of a State to be appointed by the President, Commander-in-Chief of the Armed Forces ;

(b) the Director, Federal Department of Agriculture and Rural Development ;

(c) the Director of Agricultural Sciences, Federal Ministry of Science and Technology ;

(d) the Head of Genetic Resources Unit, Federal Ministry of Science and Technology ;

(e) the Director, National Seed Service ;

(f) the Chairman, Committee of Deans of Faculties of Agriculture in Nigerian Universities ;

(g) the President, Genetic Society of Nigeria ; —

(h) a representative of the Federal Agricultural Co-ordinating Unit ;

(i) two experienced breeders appointed on their personal merit by the Minister ;

(j) one large scale crop farmer appointed on his personal merit by the Minister ;

(k) two General Managers representing two River Basin Development Authorities from different ecological areas in rotation appointed by the Minister.

(3) Subject to this Decree, the Committee shall have power to regulate its own proceedings.

(4) The validity of the proceedings of the Committee shall not be affected by reason of—

- (a) any vacancy in the membership of the Committee ;
- (b) any defect in the appointment of one or more members of the Committee ; or
- (c) a person not entitled to do so taking part in its proceedings.

(5) The Committee may appoint such number of technical sub-committees as it thinks fit to consider and report on any matter with which the Committee is concerned.

(6) The composition and functions of the technical sub-committee appointed under subsection (5) of this section are provided in the Schedule to this Decree.

6. The Committee shall—

(a) receive and process applications for the registration, naming and release of old and new crop varieties and livestock breeds ;

(b) officially release the list of superior crop varieties and livestock breeds recommended by any sub-committee established for that purpose ;

(c) approve names for new crop varieties and breeds of livestock certified as new or distinct such that uniformity in nomenclature is ensured ;

(d) render essential information on the released varieties of crops and livestock breeds, their outstanding characteristics, areas of adaptation and the location of foundation of seeds or stocks of the released varieties and breeds ;

(e) monitor the effect of the importation of exotic plants and animals on local species in Nigeria ;

(f) ensure the maintenance of the National Register for all crop varieties and livestock breeds ;

(g) interact with national organisations and institutions concerned with large scale seed and livestock production ;

(h) organise in collaboration with the Genetic Resources Unit of the Federal Ministry of Science and Technology, the maintenance and storage for posterity the germplasm of the registered crop varieties and livestock breeds ;

(i) ensure that the importation of any crop variety or livestock breed into Nigeria which are required for general distribution and use shall pass through the process required by this Decree in the same way as seeds of new crop varieties and livestock breeds from breeders ; and

(j) formulate policies on matters concerning the validation, registration, naming and release of new crop varieties and livestock breeds which are either introduced or developed in Nigeria.

Functions
of the
Committee.

7. Any document or certificate signed by the Registrar or any officer authorised in that behalf certifying a copy or extract of any record kept by the Registrar under this Decree shall, in all proceedings for an offence under this Decree be *prima facie* evidence of the facts stated therein, and shall unless the contrary is proved, be presumed to be signed by the Registrar or officer concerned without production of proof of such signature or, as the case may require, such authorisation.

Evidence.

Offences and
penalties.

8.—(1) Any person who—

(a) wilfully obstructs the Registrar or any officer so authorised in the due execution of his duties ; or

(b) names or releases a crop variety or livestock breed in the country without the written authority of the Registrar to do so ; or

(c) in giving any information for the purposes of this Decree, knowingly or recklessly makes any statement which is false in any material particular ;

shall be guilty of an offence under this Decree.

(2) Any person found guilty of an offence under this Decree shall be liable on conviction to a fine of ₦200 or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(3) Where an offence under this Decree committed by a body corporate is proved to have been committed with the connivance of or to be attributable to any neglect on the part of a director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable on conviction to a fine of ₦5,000.

Regulations.

9. The Minister may, with the approval of the National Council of Ministers, make regulations generally for the effective operation of this Decree and the due administration thereof ; and without prejudice to the generality of the foregoing, he may by such regulations—

(a) provide for any alterations in the particulars recorded in the Register ; and

(b) provide for returns of particulars recorded by any authorised officer to the Registrar.

Interpreta-
tion.

10. In this Decree, unless the context otherwise requires—

“crop variety and livestock breed” means a kind of crop or livestock which because it possesses noticeable and stable characteristics becomes distinguishable from other kinds of the same crop or livestock ;

“germplasm” means the hereditary materials contained in living plants and animals ; the living plant or animal represents its germplasm ;

“Minister” means the Minister charged with the responsibility for matters relating to science and technology ;

“register” means the register maintained in pursuance of section 1 of this Decree and “registered” shall be construed accordingly.

“Registrar” means the person appointed as Registrar in section 2 of this Decree ;

“validation” means the act of confirming after testing that the variety or breed is truly new and distinct.

Citation.

11. This Decree may be cited as the National Crop Varieties and Livestock Breeds (Registration, etc.) Decree 1987.

SCHEDULE

Section 5 (6)

1. The technical sub-committee referred to in subsection (6) of section 5 shall have as members—

- (a) all co-ordinators of National Co-ordinated Research Projects one of whom shall be appointed by the Minister as chairman for a period of four years ;
- (b) the Head, Genetics Resources Unit of the Federal Ministry of Science and Technology ;
- (c) co-ordinators of National Accelerated Food Production Projects and Research Institute; and
- (d) two experienced breeders appointed on their personal merit by the Minister for a period of four years.

2. The technical sub-committee shall be charged with the general function of—

- (a) providing guidelines for the determination of superiority, homogeneity, distinctiveness and stability of material to be released ;
- (b) determining guidelines for the testing of new crop varieties and for describing them ;
- (c) evolving a variety naming system and recommending names for new varieties to the National Crop Varieties and Livestock Breeds Registration and Release Committee ;
- (d) recommending new varieties for release by the National Crop Varieties and Livestock Breeds Registration and Release Committee for general cultivation in the country; and
- (e) nominating varieties into the National Accelerated Food Production Project and Research Institute for field testing in order to develop production package for the variety.

MADE at Lagos this 14th day of October 1987.

GENERAL I. B. BABANGIDA,
*President, Commander-in-Chief
of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

*(This note does not form part of the above Decree but is
intended to explain its purport)*

The Decree introduces a register for the certification, registration and release of national crop varieties and livestock breeds. It also establishes a National Committee to process applications for registration and validation of old and new crop varieties and livestock breeds.

The Decree provides for the appointment of a Registrar and such other assistants to assist the Registrar in the performance of his duties under the Decree.

1.0 MEMBERSHIP:

1. Dr. S.M. Misari – Director, IAR, Zaria (Chairman).
2. Dr. T.O. Okolo – Head of Unit, NSS, Sheda FCT.
3. Mrs. U.E. Iheme, Legal Adviser, FMARD, Abuja.
4. Hon. Yusuf Manga, Apex Farmers Association of Nigeria (AFAN).
5. Mr. L.O. Fajana, Deputy Director, NSS, Sheda FCT (Secretary).

2.0 TERMS OF REFERENCE

- To study the provisions of the National Agricultural Seeds act. No. 72 of 1992 and identify weak areas that need reforms.
- To identify the strength and weakness of the Seed Act in addressing seed multiplication and distribution, certification and quality control, Seed industry development and provisions of incentives.
- To recommend ways of harmonizing relevant provisions of Act 33 of 1987 with those of Seed Act No. 72 of 1992.

3.0 MODALITIES ADOPTED AND SOURCES OF INFORMATION

The Sub –committee examined:

- ▶ The Principal Act (National Agricultural Seeds Act no. 72 of 1992).
- ▶ The new Agricultural Policy of the Government of 2002.
- ▶ Other nations legislations e.g. India and the Mississippi Pure Seed Law.
- ▶ Comparisons of similar Agencies e.g. Raw Materials Development Research Council and NAFDAC.
- ▶ Information paper from Nagoma Seeds.
- ▶ National Crop Varieties and Livestock Breeds (Registration, etc). Act No. of 1987.

4.0 BACKGROUND

The sub – committee noted that the Principal Act which was promulgated on the 23rd November, 1992 failed in every way to achieve the desired results intended to promote and stimulate the development of a dependable seed industry.

Furthermore, a viable seed sector was to protect the farmers from the sale of poor quality seeds and thereby facilitate the production and marketing of high quality seeds in Nigeria.

With the new policy thrust in Agriculture aimed in ensuring maximum private sector participation, the need therefore arose to effect changes in the existing law to give room for the organized private sector to play a more effective and leading role.

5.0. JUSTIFICATION

Despite the good intentions in the Principal Act, the non-implementation of the provisions in the law was due largely to the fact that the National Seed Service arm was subsumed under the Department of Agriculture in the Ministry. The NSS could not function effectively under such circumstances because the logistics that were to be put in place for example, the appointment of the Chief Executive, designated the Director – General under Section 31 of the Act was never effected. The Council as constituted under section 2 of the Act hardly met and completely hamstrung. Needless to state, the laudable provisions enumerated under the Act became still borne.

5.1 IMPORTANCE OF SEED INDUSTRY IN THE NIGERIAN ECONOMY

The sub – committee noted that seed is the prime mover of the agricultural sector. The efficiency of all agricultural production inputs (fertilizer, crop protection products (agro chemicals, water, etc) is predetermined by the quality of seed planted. In order to enable agriculture occupy its traditional position as the lead sector in providing employment, food and fibre needs of the population as well as foreign exchange earner for the country, its seed supply system must be organized such that only very high quality seed will be used by the Nigerian farmers.

5.2 THE NEED FOR PRIVATE SECTOR PARTICIPATION

From previous experience, most Public Institution have tended to fail, because of over bearing Government bureaucracy and untimely release of the necessary funds for the activities of such Institutions. Agriculture is time bound; therefore activities and decisions must be taken without delays if the set targets in agriculture are to be achieved. It is only through private sector settings that the needed efficiency and timeliness of operations can be actualised.

The Principal Act failed to realize the need for private sector domination. The new Seed Act is structured to reduce government role only to regulatory and facilitative functions.

6.0 SPECIFIC AREAS REQUIRING AMENDMENT

The sub – committee after thorough assessment decided to amend the following areas of the Seed Act:

6.1 MEMBERSHIP OF THE COUNCIL:

The composition of the Governing Council was amended with a tilt in favour of the private sector and other relevant operator in the seed industry. In that regard, the number of the council members was reduced from nineteen (19) to nine (9) with the proportion of 60% - 40% between private and public sector.

The committee further recommended the inclusion of other relevant organizations involved in seed as members. The sub – committee recommended that members of the council should possess cognate experience in either seed or seed related matters.

6.2 FUNCTIONS OF THE COUNCIL

The functions of the National Agricultural Seeds Council were also re-orientated to make them more regulatory, quality control and coordination of activities while the private sector operators will implement all seed business. Consequently, the Council was re-structured to function through four (4) Technical Departments as against Committees and Units in the Principal Act. Each of these Departments has been assigned specific roles to achieve the desired impact in the development of Agriculture in Nigeria.

6.3 ESTABLISHMENT OF NATIONAL SEED SERVICE UNIT AND OTHER BODIES OF THE COUNCIL:

In line with the re-structured Council and its new functions, the sub – committee recommended amendments to the establishment of various bodies that will service the Council; some of the amendments proposed are:

- i) “National Seed Service Unit” and “Crop Variety Registration and Release Committee” to be replaced with “Seed Coordination Department and Crop Variety Registration and Release Department respectively”.
- ii) Other bodies of the Council referred to as “Committee” in the Principal Act were changed to “Department”. E.g. “Seed Standards Committee” was changed to “Seed Standard Department”.
- iii) The Department of Training, Information and Seed Extension” was amended to read “Department of Planning, Training and Information”.

6.4 FUNCTIONS OF NATIONAL SEED SERVICE UNIT AND THE OTHER BODIES OF THE COUNCIL:

The sub – committee, having looked at the re-structured council and taking cognisance of expected impacts it should make to the Nigerian agriculture had to carefully assign specific functions to each of the new “Departments” so as to avoid any over – lapping functions e.g. many functions such as “Seed development certification and quality Control” assigned in the Principal Act to National Seed Service Unit were transferred to their appropriate Departments. Details of the specific functions of each of the new Departments are contained in the new “Draft Seed Act”.

6.5 OPERATING ZONES

The sub –committee expanded the operating zones from five (5) to six (6) to reflect the existing geopolitical zones in the country with definite operation headquarters.

6.6 GENETIC IDENTITY

- i) For purpose of certification, the sub – committee recommended the removal of “Breeder Seed” class from among the classes of seed (foundation and certified seed classes) to be subjected to certification by the “Certifying Agency” of the Council.

This practice is in conformity with international norms in seed certification. Instead of certifying “Breeder Seed” joint inspection visits to “Breeder Seed Multiplication Plots” has been recommended.

- ii) In order to accommodate new products from Biotechnology, (e.g. Genetically Modified Seeds), the sub – committee noted that biotechnology is just a breeding tool. The sub-committee therefore recommended the inclusion of genetically modified seeds into seed classes whose genetic identity has to be verified through certification.

6.7 OFFENCES AND PENALTIES

In view of the current inflationary trend, the sub – committee reviewed the penalty for the first offence in the Principal Act from five hundred naira (₦500.00) to five thousand naira (₦5000.00).

6.8 FINANCIAL PROVISIONS:

The sub – committee further made amendments to the financial Provisions in the Principal Act. In view of the anticipated private sector domination, proposal was made for various sources of funding for the council’s operations to reflect major contributions from private sector. Government will be expected to provide the initial take-off grant for the Council while the Council shall be sustained by revenue earned from its various activities.

6.9 REPORTING:

Sub – committee recommend that Council shall not later than six months after the end of each year submit its report through the Honourable Minister of Agriculture and Rural Development to the Federal Executive Council. The concurrent sub-mission of the same report to the National Council on Agriculture was considered un-necessary by the sub – committee.

6.10 INTERPRETATION

The sub – committee expanded the definitions of some of the terms used in the Principal Act to accommodate modern technologies in the seed industry e.g.

- “Agricultural Seeds “in addition to the interpretations in the Principal Act should also include “Genetically Modified Seeds.
- “Seed Laboratory” means a central seed laboratory and other accredited laboratories.

6.11 THE ORANOGRAM:

The sub-committee drew up a tentative organogram to reflect the implementation structure of the proposed new Council. The attached organogram is self explanatory and it is only intended as a guide. Seed annexure I.

6.12 THE DRAFT AMENDED ACT

The sub – committee finally prepared a draft amended Act which is hereby attached as an Annexure II to this report.

Chairman

ANNEXURE 1.ORGANOGRAM PROPOSED NATIONAL AGRICULTURAL SEEDS COUNCIL

61

HON. MINISTER FMARD



The organogram shows the Hon. Minister FMARD at the top, with a box representing the National Agricultural Seeds Council below it. A vertical line extends from the bottom of the box, and a horizontal line extends from the right side of the box, forming an L-shape.

